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FLEMISH SOCIAL CHRISTIANS ON CRUISE MISSILE SITING

Brussels LE SOIR in French 4 Jun 82 p 2

[Article by G. Dt.: "The Problem of the Possible Deployment of Nuclear Missiles in Belgium: the CVP and the Walloons Are Getting Restless"]

[Text] The problem of the possible deployment in Belgium of 48 medium range nuclear missiles, the famous cruise missiles, has returned to the top of the news. The CVP [Social Christian Party (Flemish)], breaking its long silence, decided to hold a press conference to specify that, in its opinion, no decision was necessary as yet and that it would be desirable to await the development of the Geneva negotiations between Russians and Americans. If the CVP took the trouble to specify its position, it was because a number of liberals seem to be exerting pressure toward a rapid decision. The problem of the cruise missiles will also be studied by the Walloon Regional Council, which is to vote on a draft resolution prohibiting any deployment of these missiles on Walloon soil.

The most contradictory rumors have been circulating for the last few months about these nuclear missiles. It seems that the prime minister discussed them with his American counterparts at the time of his visit to Washington last February. Messrs Van Miert and Spitaels announced that preparations were in progress at the Florennes base. The date of June was circulating relative to a possible decision. If this was the case, then the CVP statements in any case thwarted those plans. The CVP specified that there are not "yet, today, sufficient elements available to make a final decision in the matter. The Geneva talks are only just entering a more concrete stage, and the upcoming months will make it possible to assess the situation more correctly."

However, the CVP added that it is not a question of waiting until the end of the Geneva negotiations, which could last a long time yet. "The appropriate moment to make a decision may come in a few months or in 1 or 2 years," specified Mr Swaelen, president of the CVP.

The CVP, on the other hand, supports the objectives of the big pacifist march which will take place in Antwerp next Sunday: "Support for the United Nations Disarmament Session" and "Disarm to Develop."

These positions of the Flemish social Christians must be seen in the context of the municipal elections in Flanders. The socialists will, of course, stress

the disarmament problems. A firm decision to deploy the missiles would be very much misunderstood, in particular by the young people.

On the side of the French speakers, the socialists, Mr Burgeon and company, have introduced a draft resolution before the Walloon Regional Council, in which they express their strongest anxieties in the face of the probable siting of 48 cruise missiles at Florennes. They request that the Regional Council oppose any siting and any transit of nuclear missiles over Walloon territory.

The draft also specifies that the Regional Council wishes that the Walloon Regional Executive body not grant the building permits for the infrastructure necessary for the deployment of these missiles. Regional planning falls within the domain of Mr Wathélet, but it would be conceivable that the Regional Council might vote in favor of this proposal from Mr Burgeon and that the three socialist ministers in the regional executive body might exert pressure to prohibit the granting of these building permits. A new quarrel on the way?

8463

CSO: 3100/741

CDU EXPERT ON PROMOTION OF ENERGY SAVINGS MEASURES

Frankfurt/Main FRANKFURTER RUNDSCHAU in German 21 Jun 82 p 4

[Interview with Heinz Riesenhuber, CDU Bundestag delegate, by correspondent Gerda Strack; date and place not given]

[Text] CDU politician Heinz Riesenhuber, an expert on energy and the environment, recommends spending more money from the research budget for the conversion of solar energy into electricity, so that the share of alternative energies, principally solar energy, increases to at least 5 percent of total energy consumption by the year 2000. CDU Bundestag delegate Riesenhuber wants to promote the use of modern energy technologies through joint projects involving large research institutions and industrial firms. Instead of paying for the installation of double glazing, the state should give the consumer additional subsidies and depreciation allowances for small technologies for the use of the sun, wind or biomass in a new energy program. Our Bonn correspondent Gerda Strack spoke with Heinz Riesenhuber.

[Question] Do you regard a primary energy share of 5 percent for new energy sources, which the government expects in the year 2000, as realistic for energies such as solar and wind, in view of the current low spending on research (1982: DM 150 million)?

[Answer] The government is formulating the share very carefully. For 1995 it mentions a share of from 1 to 5 percent. In this modest formulation, 5 percent is given as the upper limit, 1 percent as the lower limit.

[Question] Do you conclude from this that the government is dismissing these modern technologies?

[Answer] I have the impression at least that the government has no great confidence in what it has grandly proclaimed so far. I consider the 5 percent, at any rate, for a fundamentally attainable figure.

[Question] Will the Minister for Research, who for almost 10 years has spent at least 10 times as much each year for nuclear energy research as for new energy sources, have to alter the structure of his budget, so that these modern types of energy can develop?

[Answer] I would like to make a distinction between two groups of technologies. One group contains the household technologies. That goes from solar thermal water heating to heat pumps, everything that we have in small, decentralized units in individual households. Here, most of the equipment and techniques have been fairly thoroughly studied. In the case of individual projects, such as the absorption heat pump, there are still possibilities for development.

There should be a much greater emphasis in the research budget on techniques that promise success over the long term, such as the direct conversion of solar energy into electricity, while the question is clarified whether there are really promising principles for low-temperature heat storage or with the heat cell.

[Question] What would have to be spent annually, in order to obtain really usable results?

[Answer] I hesitate to name exact amounts before the projects have been defined. The Minister for Research had not even evaluated the results of the old energy research program, which ran out in 1980, before he finally presented the new program in 1982. A solid new program can only be set up on the basis of critical evaluation of previous research.

As far as expenditures are concerned, the FRG is in the middle. But it is not only the question of how much money is put in that is critical, but of what finally comes out of it. Just as a comparison: The Japanese have invested about DM 700 million in the advancement of microprocessors, we have poured in almost five times as much. Clearly the Japanese had a better return on their money.

[Question] What has to happen to push ahead the use of new types of energy, in addition to the research?

[Answer] In basic research, for example, it would be conceivable for major research institutions to establish projects jointly with industrial firms. The responsibility of industry, and by the way private and not just state capital, would be channeled at the earliest possible moment into the project. The entrepreneurs would then have a real interest in utilizing the new developments. In the case of modern energy technologies, we must once more carefully sift out what can be converted into economic practice. That means we can give free rein to our considerable available knowledge in a program containing a number of major emphases.

We must adopt a different approach with the technologies that are already well developed. Here the question is: How can we get it onto the market, how can we get it into production? And I think it is right to promote them with state support. It is not the entrepreneur who should be supported, but the consumer. Subsidies and depreciation allowances are suitable ways of doing this.

[Question] Do you have definite ideas of what the state should spend for this?

[Answer] In the previous DM 4.35 billion program to promote heat energy conservation measures, less than 2 percent was spent on new energy technologies, on the order of DM 20 million in one year. The previous energy conservation program was a program for double glazing, not the purposeful development of new energy technologies.

An investment of about DM 100 million per year, with preferential support--through taxes and subsidies--would necessarily show within 4 or 5 years which technologies can be successful on the market in the long term. At the moment the heat pump is the strongest candidate. Currently there are not many more than 50,000 heat pumps in operation. With this kind of start, we can, for example, promote an additional 100,000 heat pumps in 4 or 5 years. And this would be a breakthrough on the way to volume production, with growing technical reliability, with competition and with equipment becoming increasingly affordable.

The heat pump is only one example, even if it is the most important. The state should not arbitrarily restrict itself to one technical process, but establish a broad enough framework that every sensible small technology to use solar or wind or biomass has a chance and can be successful on the market. Previous expenditures have done almost nothing for the restructuring of our energy supplies.

9581

CS0: 3103/555

BRANDT PLEADS FOR SHORTER WORK WEEK TO FIGHT UNEMPLOYMENT

Hamburg DIE ZEIT in German 9 Jul 82 pp23-24

[Article by Willy Brandt, SPD chairman: "MoreJobs Through Less Work"]

[Text] The call for shorter working hours is one of the oldest demands of the labor unions and its precursors in the labor movement. This demand has had a decisive effect on change in the working society since its inception in the last century. The fight for the 8-hour day which was meant to abolish the previously customary drudgery from dawn to dusk—and sometimes even beyond that—was a major motive for the solidarization of the workers during the second half of the 19th century.

Shorter working hours—fought for and struck for piece by piece—was one of the ways to make work for wages more human. But for long stretches, that fight was a fight against unemployment as well: every hour fought for; every day of annual working time; every year in a lifetime of work was conducive to establishing firmer employer-employee relationships for seasonal workers and day laborers.

And in that dual sense, the issue is of some urgency today. On the one hand, there is a distinct need to find ways of getting unemployment under control in the face of low economic growth rates and rising numbers of workers. On the other hand, there is a continuing need to humanize work further on the threshold of a new "technological revolution" and in a time of rapidly changing life styles and social patterns. Shorter working hours—meaningfully approached and understood as a medium-term solution to social change—can help us make progress in both directions—toward combating unemployment and toward humanizing work as such.

All of our deliberations at this time must be based on the fact that unemployment in our country is high. It has almost reached the two-million mark and will not only stay with us throughout this decade but may even increase drastically unless our society musters the strength for effecting sweeping changes.

Aside from the effect the present recession is having, the main reason for it is to be found in the structural adjustment crisis the economy is undergoing: it must deal with the second round of oil price increases; with increasing competition on the world market, and with saturation tendencies in some sectors of the domestic market. Observers agree that this structural adjustment will take several years under the best of conditions.

Another factor is the "demographic wave." As high birth rate age-groups enter the labor market, the demand for jobs increases. The Federal Labor Office expects the labor force to grow by one million by 1985 for this reason alone. And on top of that we will have an increase in productivity based on technological innovation, particularly the use of microelectronics. The Minister for Research expects 12 to 13 million jobs to be affected by this—one-fifth or one-sixth of them may fall victim to rationalization procedures.

That means we must solve three problems simultaneously, if we are to achieve full employment once again. Those who already are out of a job and those who will lose them as the result of structural adjustments will have to find work. The high birth rate age-groups entering the labor market need jobs. And the jobs lost through expected rapid increases in productivity will have to be replaced.

There are three good reasons for recommending shorter working hours as an important tool of employment policy along with an active jobs policy.

First, only a redistribution of work will help prevent the threat of confrontation between those who have jobs and those who are unemployed and help provide jobs for all in the process.

Second, shorter working hours appear to be the only effective way of balancing out the current and future rises in productivity from an employment policy point of view.

And third, shorter working hours can play a part in abolishing the alienation of work.

We face the somewhat absurd situation today of 90 to 95 percent of the labor force in the Western industrial nations frequently working to the point of exhaustion with 5 to 10 percent being condemned to doing nothing at the expense of those who are working. I say "at the expense" in the sense that those who are working must pay for the social services rendered to the unemployed through their taxes and contributions. This redistribution is a matter of dire need but it is neither satisfactory for the recipients nor for those who are footing the bill. It would therefore be sensible to bring about a redistribution of work which would provide that minority with jobs by apportioning them a share of the work now performed by the majority.

Even from an economic point of view alone, the present situation is absurd enough. For example, our society will be treating itself to an expenditure of DM 20 billion this year just to pay for people /not/ working. In whatever way, this sum must be provided for by society. It paralyzes the government's capacity to act; it places limits on other services it is expected to provide, and it has an adverse effect—directly and indirectly—both on the economy and thus on existing job security. From the point of view of social policy and health policy, too, this situation is absurd. The stress to which many who are engaged in the production process are subjected also tends to increase.

From the health policy point of view this means in practical terms that every other worker and one out of every three white-collar employees will have to quit the labor force for health reasons prior to reaching retirement age. One out of every six workers and one white-collar employee out of every ten will become incapable of gainful employment prior to age 50. The reservoir of those vainly looking for work today might mitigate this very pressure which is even heightened by the fear of losing one's job. Full employment, once more attained, would do away with anxiety about holding on to one's job at the same time.

And then there is the social policy aspect of the issue. The whole society is in the process of being split into a class of jobholders and a class of unemployed. At the same time, this present situation is totally devoid of solidarity. It threatens and tends to destroy the material equality and social justice we have achieved in our country over the past few decades. True to the goals we have set for ourselves, there can only be one solution that makes any sense economically, social-politically and from the point of view of social justice: we must all work less so that the existing work can be distributed to more heads and hands.

I realize of course that this can only be done by the whole society and only over the medium term. And of course it would be far too simplistic to expect 10 percent shorter working hours to produce 10 percent more jobs. The labor unions, in fact, figure that the increase in productivity accompanying the shorter working hours would offset 50 percent of the jobs opening up.

But even given this limitation, the goal can be reached. For another thing, the productivity reserves available to industry are generally thought to be—for example by the Federal Labor Office—substantially smaller than the above figures would indicate.

But above all, we may expect the initial "defense reaction" by the employer side against taking on new employees to give way to adjustment over the medium term. If asked what makes me so optimistic, I would cite the heavy cuts in working hours over the past decades which were accomplished without much trouble in the end despite all the initial clamor—and they even took place during times of shortages of labor when it made "less sense" from an economic point of view.

In stressing shorter working hours as a particularly effective means of combating unemployment, I am not turning my back on the two other strategies of employment policy—growth policy and structural policy.

At their 1982 party congress, the German Social Democrats cited good reasons for the government's share in the responsibility for the job problem and therefore came out strongly for a rise in public sector investment and for an improvement of the conditions under which private investments are made. We did this most of all because all strategies aiming at a redistribution of work presuppose a sound economy—which is to say an economy capable of sustaining the process of economic modernization and of preserving or newly creating jobs on the basis of purposeful growth and support for those sectors of the economy that have a safe future. We cannot do without a future-oriented technological and structural policy. Still, by themselves, they would not suffice to solve the employment problem.

Classic growth policies alone could solve it even less. But they cannot be done without, either—if for no other reason than that even a distinct changeover to a policy of qualitative growth calls for transitions and adjustments. A worker who fears for his job can draw little comfort from being told that it is his misfortune to be employed in a sector of the economy that has no growth potential. Nonetheless, the time of high growth rates which were able at least to follow on the heels of progress in productivity are over for good. If one were to rely on economic growth alone in solving the unemployment problem, then we would have to have (the estimates vary) rates of increase of between 4 and 7 percent. In all likelihood, they could not be attained.

The lack of growth has raised some hue and cry—and for reasons of employment policy above all there have been calls for growth at any price, since unemployment cannot be avoided as long as growth does not keep step with productivity. But the fact is that there is no reason to sound the alarm. And as far as production keeping step with or overtaking productivity is concerned, that was something we only experienced during the stormy years of postwar economic development. As soon as this is turned into economic policy dogma, it is a myth that explodes if projected over the medium term. There is no real limit to growth in productivity; but there are many limitations to the growth of GNP—the past few years have given ample evidence of that. Just the same, we need not be afraid of getting caught in the oft-cited squeeze between the two developments.

Simplistic linkage between growth and full employment takes in less than all of reality. We should not let ourselves be talked into simplistic equations which subsequently turn us into prisoners of conservative economic theories (and myths). At that juncture, we can see the right way. The labor unions and the political forces allied with them must make it plain that high increases in productivity must be passed along in the form of shorter working hours!

At this point, let me point out that the continuing process of cuts in working hours—which did bring us full employment in spite of great progress in productivity—has slowed down appreciably during the past few years in particular. From the mid-seventies onward, the pace slowed down to about half at the very time that unemployment was climbing. The labor market and occupational research institute of the Nuremberg Labor Office has computed that shorter working hours saved 824,000 jobs between 1973 and 1979 alone.

This provides evidence—from the other side of the argument, as it were—of the high degree of job effectiveness of shorter working hours. But the fact still is that this process has now come to a halt. The reasons for it are easy to see: in times of unemployment, the unions are far less effective in attaining shorter working hours than in times of full employment. In terms of power policy, unemployment acts as a brake on the most effective tool to be employed in combating it. But from a politico-economic point of view, the call today must be for more cuts in working hours and not less—or as Committee for Labor Studies chairman Helmut Rohde has put it: abandoning the call for more flexible working schedules is tantamount these days to increasing unemployment.

Three ways of shortening working time are now under discussion—aside from "internal" procedures such as changes in the work process and in breaks.

They are: shortening lifetime working time; weekly working time, and annual working time.

The most sensible thing to do would be to give priority to those sectors in which above-average demands are placed on the jobholder.

We often tend to overlook that major progress has been made in shortening annual working time in the most recent past particularly. In 1981, about 25 percent of the labor force received 6 weeks' vacation; in 1980, only 4 percent did. Next year, at least 40 percent will. This rate of increase shows that this process could successfully continue.

The medium-term introduction of the 35-hour week makes good sense from the point of view of economic and employment policy. The unions are unanimously calling for the 35-hour week and I might add that the SPD has adopted this program and will hold to it. But this demand will not be realized in the short term. Nonetheless, the introduction of the 35-hour week is an urgent necessity based on shortening working hours for reasons of overall employment policy and because the process of shortening weekly working time which has been at a standstill for the past several years must be taken up once again.

It may be easier to achieve the goal of shortening lifetime working time. Retirement pay primarily is a matter that concerns employers and employees and that should remain their responsibility. The legislature, however, should deal with its part of the package as quickly as possible: it should spell out the regulations dealing with voluntary pre-retirement and work out the part the Federal Labor Office is to play in making the transition arrangements.

I know full well that the unions do not consider all these proposals non-controversial—for the simple reason that conditions from one occupation to the other and from plant to plant tend to vary greatly. In the case of some small businesses for example, the employer contributions presently under consideration (over and above the contributions of the Federal Labor Office, the unions and the individual employee) simply cannot be met and there are particular problems in some of the structurally weak industries.

But there is no reason for the unions not to work for individualized arrangements. From the point of view of both economic and social policy, the following principle holds true in any event: it makes more sense to pay out retirement benefits to an older worker than unemployment benefits to a younger one.

On the other hand, this particular freedom would also include the opportunity to postpone retirement from the active labor force. This is another way of saying that we must not—even under the pressure of unemployment—force older workers out but merely offer retirement to the many workers who wish to avail themselves of it. Even if there are good reasons from the point of view of employment policy for letting workers retire early, we must not only ask what its effect on employment policy overall will be but also how those workers feel who are ushered out of the labor force not only in a rush as they always were but now at an earlier stage than heretofore.

Thus, humane social policies for the future will have to see to it that the gains older people attain by no longer having to work are not offset by "retirement shock." A graduated transition process, suited to individual needs, would make sense. It would gradually reduce the full demands of the job at an early stage and, on the other hand, provide an opportunity for participation in social life at the workplace far beyond normal retirement age.

What is needed is a lot more flexibility and not only a gradual disengagement from the active labor force. I am here touching on the sensitive issues of part-time work, long-term vacations and flexible old-age formulas generally. Against some of these types of work—such as job-sharing in particular—there are serious reservations being voiced by the unions and by the SPD as well—I want to make no bones about that.

Because anyone who is employed in some limited fashion only is confronted with the open and veiled demand of having to accept limited social protection and job security—at least as long the presently accepted regulations continue to prevail. There is then a danger of creating second-class employees in this field as well and beyond that the danger that the fought-for legal and social guarantees may be largely undermined.

Still, the advantages of such flexible formulas are easy to see—and not only because we must not—from an employment policy point of view—keep the demand for labor artificially high at present but also because these very formulas are becoming more and more desirable to many individuals: for older people, for the handicapped, for women and also for those who—as the values of society change—are turning away from high productivity and the maximization of

income toward various forms of self-realization outside the regular occupations, even at the expense of making less money.

I think we should invest a great deal of effort and imagination to find time-flexible work patterns which, however, neither undermine, nor tear to shreds the legal and social guarantees prevailing today. In this, I place my faith in the ability of our unions to adapt to new circumstances and also in their strength to protect the work force from new types of exploitation. In this field, we will not get anywhere without experimentation and there are bound to be mistakes. But it would be wrong to shy away from the changing needs of individual human beings and of society as a whole.

Let me raise another sensitive point: should we shorten weekly working hours at equal pay or not? I want to make no bones about the fact that the demand for equal pay is unrealistic in my estimation—at least given the presently necessary amount of shortening time in view of the employment situation; which is to say beyond the need to catch up, as it were, that has been accumulating over the past few years. Nonetheless, we must not let it go at that. There are other substitute formulas which might protect the working population from adverse redistribution effects.

I am thinking for example of capital formation on the part of the labor force. There was a large majority at the Munich SPD congress that came out in favor of legislative initiatives aiming at labor participation in productive capital. In this regard, too, we are aware of the fact that there is a variety of views—including negative ones—in the labor union camp.

To be honest, I can understand someone saying: here the workers have had to take cuts in real wages for 2 years running and in the face of that this issue is somewhat secondary. But I think that this proposal is important for a different reason because it has a special bearing on shortening weekly working hours. Let me recall in passing the somewhat similar debate concerning subsidized savings when the DM 312 and, consequently, the DM 624 law met with profound skepticism among many unionists at the outset. Later on, no one stayed out and by now we can point to quite an impressive balance. Some 14 million workers have saved more than DM 100 billion thanks to this law.

For all that, there are other ways of settling things. Let me just mention the concept of "wage policy based on solidarity" which calls for raising up the lower wage groups that can least afford shorter working hours at the cost of less pay and would therefore have to receive close to equal pay in the final analysis. I am pleading for such a raise despite the warning cries by the manufacturers associations to the effect that this has already brought about higher-than-average unemployment among unskilled workers.

Unfortunately there is something to that argument—as long as we do not get back to full employment once again. But in this instance we are talking about compensating for real wages as working hours are shortened—in other words about the protection of assets. And it is a fact that many unskilled

laborers, salesgirls or beauticians literally cannot afford shorter working hours at the expense of less pay. If they are not to be excluded from shorter working hours, then the burden of compensation must be borne as part of wage policy based on solidarity. In addition to that, such a basic strategy would have the immense advantage of relieving the welfare state of the expense of billions over the medium term. I would hope that we will turn our attention to these issues.

In my view, shorter working hours is the sensible way to go these days both from the point of view of economic policy and employment policy. But it is also the way ahead into the future, toward a more humane and more just work society. It is more than just a matter of redistributing available jobs in as fair a way as possible, to parcel them out, as it were. That would be a formal and too fatalistic a way of looking at things.

The purpose of increased productivity in a modern economy is not only to relieve man more and more of drudgery but also to make work more humane and more meaningful. The present crisis, the end of the era of high growth rates need not mean paralysis but transition or even hope. In the language of the SPD's "Parameter '85" program, it could be a transition to more qualitative formulas. Or to put it even more simply: in the future, the accent should not only be on more but above all on better.

This goes for both economic development and the regulation of technological progress which must be oriented increasingly toward the quality of life; toward what it is we really produce and want to have in a more humane society. And that goes above all for the quality of working life.

Humanization of working life means first of all making it possible for all workers to stay on the job throughout their working life without danger to their health. We are nowhere near that now. It also means that those engaged in monotonous work, in heavy physical labor or still in physically dangerous work should be relieved to a greater extent—by making technical improvements, by physical improvements at the work site and also by shorter working hours.

Humanization of working life means making working conditions more human—also by an "internal shortening" of working hours. That is to say that shorter working hours must not be achieved at the expense of additional perfection and an even stronger bond of worker to machine. It should be the other way around: advances in productivity with the aid of new technology should lead to the greatest possible renunciation of such practices. There are also possibilities opening here with regard to attaining the goal of less alienating work, more responsibility and less fragmentation in the work process.

This is also called for by economic good sense for that matter. Only if we have production processes and workers that can quickly adapt to many high quality varieties of new products will we be able to compete on the world market for any length of time. The rigid systems of the past will not permit us to do that. They all but kept the workers down by preventing them from thinking along and participating in the production process.

Humanization of working life means continued expansion of co-determination, including above all participation at the workplace itself. We all know that the struggle for co-determination cannot turn into a broad-based movement as long as the workers themselves do not think of this concept as a matter of immediate and personal importance to them. This is due to the fact that the possibility of real co-determination all too frequently does not reach "all the way down" and perhaps above all that the workers are often too exhausted and worn out to concern themselves with more than the tasks they are assigned. The more the accent of work shifts to control functions—as for instance in the case of production processes—the greater the responsibility of the working man and woman becomes. But to discharge one's responsibility—that is a homespun truth—one needs a certain amount of time and strength.

And finally, humanization of work means qualification of the working man. We must raise the professional qualification of many working people—for one thing, in order to hold our own in the international division of labor and for another, because professional flexibility required of the work force by the impending structural changes in our economy can only be attained through added qualification. These time reserves, too, have yet to be created.

This is the outlook for a more humane climate in the workaday world. Both approaches—shorter working hours and the humanization of working life—pave the way to a more meaningful and more responsible role of the working man in a society based on solidarity. As time goes by, the split running through his existence—which is typical for industrial societies—that of being a working man on the one hand and a mere private individual on the other hand will grow less and less marked. In the space between, a widening field of social activity and responsibility begins to open up for him.

And this in turn can enhance entirely new reserves of social responsibility. Social services such as child education, care for the aged and the sick could to an appreciable extent revert to the small networks of the family, the neighborhood and one's circle of acquaintances.

One more thing—under these circumstances, real co-determination at all levels would be provided with a more real foundation because people would have more time for all these things. This is the alternative to the "pathological society" as described by Adam Schaff, the philosopher, in the most recent Club of Rome report—a society in which people are sick because they do not have enough to do.

It may sound utopian today; but the fact is that these possibilities are being taken advantage of more and more by members of the privileged social groups already. In the future, the obligation for social justice will to a greater extent include the job of making such possibilities for self-realization available to /all/ working people. What hypocrites the conservatives are, for that matter, for saying that more freedom means nothing but more beer and more television for working people. Make work more humane—by cutting down on working hours, too—then people will have some strength left for meaningful activity! The enforced and—from a human point of view—profoundly depressing "free time" of unemployment does not bother the conservative ideologues nearly as much.

All of this also shows us the way of keeping our social safety net intact. It is in danger of ripping apart because so many are thrown into it—because of injuries, inability to work and invalidism. It is profoundly unjust as well as economically unsound to promote the well-known "cuts" as a way out. In all, this is no way out—but the weakest among us would suffer most.

There is a need instead to hold damage to a minimum—through shorter working hours and humanization of work. On the other hand, the social safety net could be relieved of some of its responsibilities by supporting the efforts of active citizens of fulfilling tasks which must not necessarily and for that matter are not even best handled by public institutions. A kindergarten run by a group of concerned parents costs only a fraction of what it costs a community to operate a day care center or nursery. But both the time and the strength to do the job must then not only be available to public servants, teachers and high-level white-collar personnel but also to industrial workers for example.

Recently, there has been a lot of talk about a farewell to working class society, about the end of the industrial era and about the fact that the political parties which have their roots in the working class are historically passé. Much of it was just empty talk but some of it was clearly outrageous—for the German working class, for their unions and also for the German Social Democrats.

But we should try to be clear about the essence of the issue. In this new phase of industrial society, work is indeed becoming less of a factor. In principle, this is no reason for fear. For now, nonetheless, we are faced with the threat of long-term mass unemployment. But work is indeed a central area of human self-realization; but this does not in the least apply to every field of endeavor.

More and more people who can afford it are discovering new forms of productive work in social and human relations. We can solve both problems resulting from this. If anyone can, only the unions and the partisans of social democracy will find the necessary strength for it.

But today, there are conservative forces straining to attain power which consider unemployment a necessary evil which must be accepted along with other consequences of an economic crisis of adjustment. The recipes they are proposing would lead to long-term and rising mass unemployment. That would mean that this unemployment would have to be paid by the work force and most of all by those directly affected because the enormous costs of unemployment are to be financed, in the neo-conservative view, by dismantling the welfare state. Anyone wishing an idea of what that means merely has to turn his eyes on England to appreciate the consequences of the drastic cure the conservatives have instituted.

But the other way is still open. We are standing at a crossroads at the end of an era of high quantitative growth rates. But this crisis may just as well turn out to be a chance—for a more just distribution and a more humane form of work. A future that calls for less work offers many opportunities for real freedom. The struggle for a just redistribution of work is one of the great challenges we must face in this decade.

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CSO: 3103/588

MINISTERS APPROVE AMENDED FINANCE LAW, TAX CHANGES

Aid to Nationalized Industries

Paris LE MONDE in French 14 May 82 p 34

[Article by Alan Vernholes: "Make Investment the Government's Number One Priority"]

[Text] The first budgetary provisions for 1982 have been determined. Coming after the desire to encourage growth through consumption, this decision perhaps indicates more than a change of direction to the extent that it involves a number of decisions made or to be made in favor of business firms. In this regard, it should be noted that the increase in taxes on businesses, acknowledged by the administration (40 billion francs according to Delors; 25 billion francs in 1982 and 35 billion francs in 1983 according to other calculations) is far from having been balanced by the various subsidies provided by the state.

The second concern of the government is to henceforth manage public finances wisely. The fact that this first 1982 budget was balanced shows a new desire for strictness which is translated in the 1983 budget as a deficit contained within a limit of 3 percent of the GNP. However, it is still difficult to assess the efforts to compress budget expenditures which this goal implies, and it evidently remains to be seen how the 60-billion-franc deficit in social expenses which is forecast between now and the end of 1983 will be financed.

These concerns are commendable, but the methods used are more debatable. It is of course not easy to uncover new tax resources in France. But an overall increase in the VAT [value-added tax] rate has many dangers. First of all, experience has shown that expected receipts from a rate increase turn out in the end to be less than forecast. According to some calculations, "on-line losses" would reach 50 percent. On the other hand, lowered prices, which a rate reduction would normally cause, are--entirely or partially--absorbed by dealers. This is the reason why the figure proposed by Mr Beregovoy, which indicates that if everything goes well the additional increase in the retail price index caused by the VAT change would not surpass 0.1 percent seems optimistic.

At a time when the difference in inflation rates between France and foreign industrialized nations has not stopped growing, a change in the VAT rates would pose a particular danger. However, it is true that the international community and currency exchange circles upon which the health of the franc partly depends

would have taken a dim view of a budget which relied more on a deficit in public finances.

The Measures

Appropriations to Public Firms

On Wednesday, 12 May, the Council of Ministers reached a decision on a certain number of economic, financial and tax measures, of which the major point, according to Mr Beregovoy, secretary general of the Elysee, is "to make investment the number one priority of the government."

Mr Beregovoy specified that the decisions made by the Council of Ministers would take effect 1 July after the budget had been voted on and that they would be considered "urgent measures."

Three billion francs in capital appropriations will be allocated to nationalized firms in the competitive sector. Significant assistance by the banking sector will be added to this appropriation from the state budget, in both equity and participatory loans. In all, a sum of 9 billion francs has been earmarked for public firms in order to allow them to restructure their balance sheets and develop investments.

(Public firms' financing needs have been estimated at 9 billion francs for 1982. In brief: 3 billion francs to cover the losses of firms in the red (PUK [Pechiney-Ugine-Kuhlmann], Rhone-Poulenc, CII-HB [CII-Honeywell Bull]) and 6 billion for the economic development of the entire nationalized industrial sector. To sum up, it can be said that the state will take over the deficits (3 billion francs) and that the banks will finance the economic development (6 billion francs). In fact, as the Council of Ministers communique emphasized, the sizable assistance from the banking sector will be assured "within its management rules." Thus, the state is not forcing the banks to pay--in equity and participatory loans--the 6 billion francs. A financing problem would, therefore, occur if they could not furnish this entire sum. The state could be forced to provide new funds.)

Tax Changes

--Habitation Tax: Beginning in 1982, this tax will be eliminated for individuals over age 60 who are not taxed on income. A similar measure will be taken for single women--regardless of age--who are not taxed on income. The cabinet did not retain the bill to exempt those living in low-income housing.

--Professional Tax: Firms will benefit from a reduction in the tax in 1982 (5 billion francs) and 1983 (6 billion francs). The blanket reduction granted to all firms will be accompanied by an additional reduction for those who invest or create jobs. Several changes concern the tax base and the income tax rate in 1983.

--VAT: A "super-reduced" rate has been instituted (5.5 percent instead of 7 percent) for widely consumed food products. "The government will be particularly careful to see that this reduction is conscientiously reflected in consumer prices," it was specified at the end of the cabinet meeting.

Products which will benefit from the reduced 5.5 percent rate are*: water, milk, yogurt, cream, oil, vinegar, chocolate bars for eating and cooking, coffee, tea, chicory, fresh pastries, flour, sweets and desserts, sugar, jelly and marmalade and unprocessed products of agricultural origin (from fishing, fish farming and poultry farming). In general, all food products except beverages will be taxed at the 5.5 percent rate. Candy, chocolate and all products containing chocolate or cocoa (except cooking and eating chocolate), other liqueurs and other drinks with a coffee base, tea, chicory, margarines and vegetable oils now taxed at the intermediate 17.6 percent rate will be raised to 18.6 percent.

The normal VAT rate is increased by one point (18.6 percent instead of 17.6 percent). This normal rate will be applied to special vehicles for the handicapped instead of the higher rate. :

"If everyone plays the game," declared Mr Beregovoy, "that is, if the reduced VAT (on food products) is totally reflected in prices, the impact of the entire operation will be 0.1 percent on the price index. In other words, it will have no effect on the trend of prices."

(There are now four VAT rates: 5.5, 7, 18.6 and 33.3 percent.)

--The price of diesel at the pump should be lowered by a little more than 8 percent in the next 5 years by the partial deductibility of the VAT. This measure was promised to the teamsters on 19 April.

--Tax aid to investment and tax reductions for new firms will benefit farmers.

--The tax system for persons married to owners of sole proprietorships is improved with the possibility of deducting a monetary salary [salaire fiscal] within the limits of the minimum wage.

*General Tax Code, article 279C (1 to 12).

Credit Amounts

Paris LE MONDE in French 14 May 82 p 34

[Report: "New Expenditures Are Exactly Balanced by Additional Receipts"]

[Text] (in millions of francs)

<u>Expenditures</u>		<u>Receipts</u>	
Reduction of the habitation tax	800	Taxing the Agricultural Credit Bank	1,750
VAT reduction	2,600	Advances from banks, insurance companies and financial institutions	700
Additional cost of Algerian gas	500	VAT increase	5,700
Reduction of professional tax	5,000	Dividends paid by nationalized firms	1,600
Capital appropriations to public firms	3,000	Elimination of FDES [Social & Economic Development Fund] credits	<u>2,150</u>
	<hr/> 11,900		11,900

The balance of expenditures and receipts of this first 1982 budget is 11.9 billion francs. The VAT was considered as an expenditure (2.6 billion francs for the reduction in the rate from 7 to 5.5 percent on food products) and as a receipt (5.7 billion francs for raising the "normal" rate from 17.6 to 18.6 percent). This twofold movement was presented in our table published in LE MONDE 12 May as only the bottom-line figure. At that time only the receipt figure of 3 billion francs (5.7 less 2.6) appeared, which brought the general balance to 9.3 billion francs.

The VAT figures represent enforcement of the measure over half of the year--actually only 5 months of tax receipts--since December 1982 will be deposited in January 1983. (Rate changes take effect 1 July.) During a full year the one-point increase in the normal VAT rate will bring in about 14 billion francs.

Trade Unions React

Paris LE MONDE in French 14 May 82 p 34

[Article: "The Reaction: Union Hostility and Reserve"]

[Text] The Workers' Force [FO] "expresses its total disagreement with the mini-tax reform presented to the Council of Ministers on Wednesday.

For the Finance Federation of the FO, this "minireform puts a deadlock on the necessity of improving the moral standard of the income tax, which is highly unfair." In addition, the union noted that the new reduced VAT rate "applies only to a limited number of products" and "is combined with a general increase in the normal rate." "There necessarily results," added FO, "an increase of about 3 billion in the amount charged consumers alone."

For the CFDT, the proposed budget is "fiscal tinkering." The CFDT Economic and Financial Affairs Federation stated in a report that the measures are "unsuitable." "At bottom," stated the union, "it is a new step in the direction of the employees."

"Instead of this tinkering, the federation expects a real overall tax reform from a leftist government."

As for the CFTC, it fears a "new and very regrettable increase in prices." Although generally inclined toward this change, it advocates an extremely careful monitoring of the repercussions of the reductions and increases in retail prices. In addition, the CFTC believes it is "abusive" to increase VAT rates on household articles, clothing and services.

As for employers, the Permanent Assembly of the Chambers of Commerce and Industry (APCCI) thinks that the reduction of the professional tax "is not at all a gift to employers, but a simple safety measure in the face of a situation which is serious for many firms," which "only very slightly offsets the additional costs imposed over the last few months."

Mr Monory, a former minister of economy and finance, stated on RMC [Radio Monte Carlo] that "the budget does not bring into question the errors that have been made during the last several months." Mr Monory sees in the change of VAT rates "a real renunciation of Socialist policy, since I have always heard the Socialists criticize the VAT as an unjust tax hitting the poorest." Estimating that the French are going to begin to pay the bill for nationalizations, Mr Monory concluded: "None of that reassures me. It is a balanced budget with a little wrapping that doesn't seem very serious to me and I am afraid that, despite this budget, we will end up with a deficit of from 120 to 130 billion francs at the end of the year."

UDF Spokesman on the Budget

Paris LE FIGARO in French 6 May 82 p 12

[Interview with Edmond Alphandery, deputy from Maine-et-Loire and UDF spokesman on the budget, by Laurence Allard of LE FIGARO; date and place not specified.]

[Text] We interviewed Edmond Alphandery, deputy from Maine-et-Loire and UDF spokesman on the budget, just when it appeared that the recovery decided on by the Socialist government a year ago was failing dramatically and as the 1983 budget was being drawn up. Why this failure?

Question: How do you explain the failure of the recovery through consumption recovery which has been the policy of the government since July?

Answer: A sizable budget deficit would insure a recovery--this was the Socialist's idea when they came to power. It failed. A single figure proves this--the industrial production index (exclusive of public works) decreased 2.1 percent between February 1981 and February 1982.

The deterioration of the financial situation of business, the uncertainty caused by plans to modify social relations, and the nationalizations are creating an atmosphere which is not conducive to the recovery of economic activity. But the cause of the failure lies equally in the way the government decided to finance the budget deficit.

The government has not called on the public directly to a high degree nor upon the Bank of France. It turned primarily to the financial system that could only submit: the Deposit Fund which, in the space of a few months, had to increase by over 50 percent the amount of Treasury bonds which it normally kept, the National Agricultural Credit Fund which increased its participation in the state treasury to 3.5 billion francs; and especially the banks, which doubled their volume of Treasury bonds in demand accounts.

This is a detrimental situation because it in fact ends up by having households, businesses and local communities finance this deficit. They have therefore been deprived of resources for their own needs, since these resources have been taken by the state.

Question: In your opinion, the emphasis on savings therefore explains the high level of interest rates today?

Answer: Not entirely. In order to counteract the expectations of a weaker franc which the budget proposals made by the Socialists caused on the foreign exchange markets--unique in Europe--the administration was and is still obliged to maintain high interest rates in the short term. It is also true that financing the deficit has placed long-term pressure on the price of money.

Question: In order to finance the budget deficit, the government has not yet resorted to issuing paper money?

Answer: You might think so if you were to take a superficial look at the financial statement of the Bank of France. However, as of the moment the banks have been obliged to keep more Treasury bonds, they have been forced to rediscount private securities at the Bank of France in order to get liquid assets. So, between April and November 1981 these activities represented the equivalent of two-thirds of the additional Treasury bonds that they had purchased (22 billion francs to be exact).

Question: The money in circulation has not increased in sizable proportions either?

Answer: For a single good reason: the deficit of our balance of payments increased. In order to artificially support the franc, the Bank of France had to go into its foreign currency reserves. Our foreign partners especially profited from our recovery attempt. This is shown by the increase in our imports and the deterioration in our exports.

Question: In your opinion, in what direction will the government's budgetary policy go?

Answer: The Socialists are at a crossroads. There are two choices. If the government continues to finance the deficit from resources taken from the private sector, unemployment will increase in France. If the government decides to relax the credit system by financing the budget deficit uniquely by printing money, the number looking for work could decrease temporarily, but this would be offset by an upsurge in inflationary tension within a worldwide economic situation which is, however, characterized by a strong decrease in prices in our principal partners' countries.

Reality is, unfortunately, between the two, with, I'm afraid, a continued high level of unemployment and a dangerous increase in prices.

Regional Budgets Published

Paris LES ECHOS in French 4 May 82 pp 14-15

[Article by Christine Penet: "Further Flight, Thanks To Borrowing"]

[Text] With an increase of 22 percent over last year, the budgets of the 22 regions will reach the neat sum of 8.2 billion francs in 1982 which, however, accounts for only slightly over 1 percent of the national budget. An article in the 1981 appropriations bill prohibited the regions from increasing their budgets by more than 20 percent over the previous year. They have benefited from the repeal of this measure in 1982 to make a great leap.

Some regions were greedier than others: Bourgogne, up 35.6 percent; Haute-Normandie, up 36.4 percent; Picardie, up 32.3 percent; Auvergne, up 47.7 percent. Four regions surpassed a 50 percent increase over 1981: Franche-Comte, Midi-Pyrenees, Nord-Pas-de-Calais, and Provence-Cote d'Azur.

The ceiling for revenue derived from taxes per inhabitant, set this year at 79.32 francs (up 17.5 percent compared to 1981) followed, as it usually does,

the increase in investments by public firms. Few regions, in fact, have reached the ceiling (Auvergne, Bretagne, Basse-Normandie) even if most have surpassed 70 francs. Rather than making the inhabitants shoulder too great a tax burden, regional public institutions preferred to resort to a large extent to borrowing.

This method often makes up between one-third and one-quarter of the total budget. In fact, it goes so far as to provide almost half of the receipts for some regions: Auvergne, Bourgogne, Franche-Comte, Languedoc-Roussillon, North-Pas-de-Calais, and Provence-Alps-Cote d'Azur.

Economic Activity

This is explained by the fact that the regions wanted to increase their resources in view of the new jurisdictional areas which will come to them through the rights and liberties law while awaiting the future resources which will be transferred by the state.

In addition, as the law now permits, they have increased their operating expenditures considerably.

Finally, if we examine expenditures by sector, transportation and communication, in first place, account for about 27 percent of all investment expenditures. The amounts designated for economic activity have increased regularly for several years, especially because of the new allotments for the region, such as the bonuses for creating industrial firms. They have gone from 7 percent in 1974 to almost 15 percent of total regional expenditures in 1982, excluding Ile-de-France. This latter area devotes only 1.9 percent from a budget of 2.6 billion francs to economic activity. Some regions--Britanny, Basse-Normandie, Poitou-Charentes--use over 20 percent of their budget in this area.

Region	Chairman of the Regional Council	Chairman of the Economic and Social Committee	1982 Budget	1981 Budget	82-81 Variation in percent	1982 Tax Receipts	Tax Receipts Per Inhabitant		1982 Borrowing	Miscellaneous Receipts	Percent Budget Designated for Economic Activity
							1982 (Ceiling 79.32)	1981 (Ceiling 67.5)			
ALSACE	Marcel RUDOLFF - CDS	Ernest HEL	163,80	126,80	+29.4	113,80	75	63,20	42	8	18.5
AQUITAINE	Philippe MADRELLE - PS	Jacques CASTANG	345	301,60	+14.4	193	76,74	65	134	18	9.4
AUVERGNE	Maurice POURCHON - PS	Michel DEBATISSE	250,20	169,37	+47.7	105,50	79,32	63,26	139,70	5	16.4
Bourgogne	Pierre JOXE - PS	Charles DELATTE	221	163	+35.6	100	63	52	106	15	16
Bretagne	Raymond MARCELLIN - PR	René de FOUCAUD	306,70	250,76	+22.3	205,90	79,32	64,16	75	25,80	21
Centre	Jean DELANEAU - PR	Pierre TROUSSET	259	220,55	+17.4	164,80	79,26	65,19	70	23,90	8.5
CHAMPAGNE ARDENNES	Bernard STASI - CDS	Jacques RICHARD	139,20	108,49	+28.3	94	70,33	58,62	45,20	—	14.5
Corse	Prosper ALFONSI - MRG	Emile ARRIGHI de CASANOVA	94,60	80,10	+18.1	19,60	67,59	63,48	14	61	11
FRANCHE-COMTE	Edgar FAURE - G. Dém.	Thimothée FRANCK	166,20	107,75	+54.2	79	74,46	64,25	76,70	10,50	9.7
LANGUEDOC-ROUSSILLON	Edgar TAILHADES - PS	Philippe LAMOUR	246,36	207	+19	128	71,53	65,94	118,36	—	6.5
LIMOUSIN	Louis LONGUEQUE - PS	Guy CHAMRON	50,60	48,06	+5.2	38,70	52,45	44,60	6,30	5,80	15
LORRAINE	Jean-Marie RAUSCH - CDS	François GUILLAUME	245,40	200,02	+22.7	161	69,10	56,90	68,30	16,10	16
MIDI-PYRENEES	Alex RAYMOND - PS	Pierre MADAULE	252,50	164,04	+54	160	70,76	52,47	84	8	9.6
Nord-Pas-de-Calais	Noël JOSEPH - PS	Pierre DELMON	630,30	413,43	+52.4	276,40	70,62	60,89	300,50	53,40	10
Basse-Normandie	Léon JOZEAU-MARIGNE - CNIP	Paul SPRIET	143	111,37	+28.4	103,10	79,32	65	38,40	1,50	29
Haute-Normandie	Roger FOSSE - RPR	Jean-François HERVIEU	202,30	148,24	+36.4	108,90	68,24	60	89,50	3,90	14.2
Pays de la Loire	Olivier GUICHARD - RPR	Joseph ARIAUX	381,70	324,18	+17.7	219,50	77,30	66,30	123,20	39	17.4
Picardy	René DOSIERE - PS	Claude FERTE	200,20	151,53	+32.3	129,20	76,96	63,81	59	12	14.2
POTOU-CHARENTES	Michel BOUCHER - PS	Michel MAURY-LARIBIERE	211,80	163,35	+29.6	119,20	78	66	76,40	16,20	21.2
Provence-Alpes-Côte d'Azur	Michel PEZET - PS	Paul AUGIER	550	380	+53	300	78,33	59,65	260	—	9
RHONE-ALPES	Charles BERAUDIER - UDF	Charles MONTREUIL	543,4	446,35	+22	375,80	78,60	67,60	145	22,60	8.5
ILE de FRANCE	Michel GIRAUD - RPR	Roger BELIN	2655	2432,80	+9	2146	—	—	509	—	1.9

Figure 2. Survey by Claire Besson and Floriane Degan

PCF BUSINESSMAN DOUMENG PROPOSES DUAL MONETARY SYSTEM

Paris LE MONDE in French 3 Jun 82 p 40

[Article by Jean-Baptiste Doumeng, PCF member and president of Compagnie Interagra]

[Text] It is a question that deserves to be clarified, so that it can be fully understood by workers.

A government of the Left cannot have--or be subject to--the same monetary concepts as a government of the Right.

The goals--monetary stability, the fight against inflation, and (of course, and despite all else) devaluation--are actually of concern only to the propertied class. These sententious concepts (which supposedly reflect a knowledge of esoteric mechanisms) are not understandable to the masses and are expressed only by a certain elite--the elite of the group that employs these concepts.

In our opinion, the excessive centralization of the basic services of the Ministry of Finance, Bank of France, and--above all--Treasury directorate is a symbol of the feudal character of this system.

The Inspectorate of Finances--the corps of civil servants formed of these high government officials--allegedly performs a managerial function (a high-sounding phrase!) but in actuality performs the function of a healer and protector of capitalism, which it helps to survive and endure within the framework of an abstract concept that places the state apart from, and above, men and property. The proposals of these high-level technicians shape the financial policy of the individual governments of whatever affiliation.

They are the same men, regardless of the orientation of the government in power. I do not blame them for not understanding the significance of the latest change in government, for they were raised in the capitalist seraglio.

Only a sense of public service instills in them a relative modesty. I do not dare to imagine that the personal intelligence of some of their number enables them to sense the limits of their competence.

I once knew a minister of finance whose name was Vincent Auriol and who had dealings with these men during his career in office. He told me: "The directors of my ministry are the bastions of the Right. Here," he added, "upon my soul and honor, I can nominate no one for a decoration except my orderlies; the others are my adversaries."

I leave to him, of course, the posthumous responsibility for these statements. I believe, moreover, that the situation has changed somewhat since then.

In any event, he was a socialist minister of finance and was my friend.

Short of replacing these men, therefore (something which one either cannot or does not wish to do), one must at least give them political direction by prescribing for them a precise monetary policy as an essential condition of the national economy.

For that purpose, the socialist government in France today must establish a monetary policy that is in accordance with the objectives which it has set for itself.

It is obvious that the currency expresses value added in terms of labor, services and natural resources.

The monopolization of the currency by a minority of the active population, and its utilization as a commodity, serves both to justify and to aggravate the class struggle and threatens our national independence.

A policy for the Left should proclaim that the national currency will be subordinated only to French political authority.

To achieve this goal, our currency must be protected from the forces that dominate the world financial market; this today basically means its position against the U.S. dollar and (in lesser measure) against the mark and the yen. For if our currency--and the economic consequences for our country which derive therefrom--are not under the control of the French authorities, they will inevitably be subjected to the influence of the most powerful countries; the exchange value of the American dollar today bears eloquent witness to this fact.

For A Dual System

Under these circumstances, what should be done?

Establish a dual monetary system!

1. There would be a convertible French franc which would serve as a basis for international commercial transactions and would obligatorily be tied to other currencies by a rate of exchange established at parity.

The resultant position of our foreign trade--combined with a measure of entrepreneurial zeal--would enable us to bring our trade into balance and (above all) to protect our market from certain useless imports.

This convertible franc would have to be backed by metallic gold, employed as a standard.

The possession of gold by the state and by private individuals represents an important resource in France, a resource that could enable us to have a strong convertible French franc which would be much sought after--provided, of course, that provision is made for taking certain appropriate measures designed to facilitate collection of the gold currently held by private individuals.

2. There would be a domestic French franc which would serve as a nonconvertible national currency; the interest rates on this domestic franc, and its price at parity against the convertible franc, would be established by parliament.

This is the currency that would be used in connection with all services of the national economy; wages; prices; investments and savings.

The interest rates on this currency could be low, with a view to providing for the development of our domestic enterprises and reabsorbing all or part of the unemployment, while reducing the excessive financial burdens which weigh heavily on our enterprises. This currency would be a tool--an instrumentality--of production.

The convertibility of domestic francs into convertible francs would of course depend on the behavior of French imports and exports, all of which would be subject to licenses issued by the government. Control mechanisms could then be operated with complete success by the various services of the Bank of France and by the administration of the National Treasury. These mechanisms would be removed from all possible political consequences (something which these institutions are very adept at doing) and would at last be comprehensible to everyone.

This should enable us better to master the inflationary factors, although I do not contend that these factors are always negative; within certain limits, some of them may assist in the development of our national economy.

Suppression of Fraud

In any event, such decisions--taken with monetary objectives in mind--cannot fail to stimulate entrepreneurial enthusiasm by imparting a strengthened ability, on the part of French products, to conquer markets at the international level, inasmuch as the capacity of individual enterprises to benefit from the advantages deriving from the creation of convertible francs would of course depend on the actions taken pursuant to these decisions.

It is also probable that floating funds at the international level would find sufficient guarantees to enable them to be exchanged for convertible francs. These francs would be guaranteed on the basis of, or in proportion to, the manipulation of the situations resulting from the differences in parity of the American dollar, which since the renewed challenge to the Bretton Woods agreements is now guaranteed only by the policy of the United States.

Such a mechanism would, moreover, lead to the elimination of most of the fraud in connection with the export of capital, because the domestic franc would not be convertible and because in order to obtain convertible francs one would need authorization from the concerned ministerial authorities, who would act in accordance with the political responsibilities of the government.

These are a few ideas for consideration in relation to the objective of having the national currency serve the people, the workers (which is the objective of a Left-oriented policy), without thereby abandoning our alliances, including the European Community.

The socialist government must--in this matter as in other matters--accept its responsibilities and define them clearly, for they are of primary importance.

The purpose of my proposal is to initiate a discussion of this problem, because it is a complex problem and because the behind-the-scenes actions that surround it have never been clearly expressed despite the fact that a bad monetary policy produces, at the international level, a pressure exerted by the stronger powers upon our independence; and at the domestic level, an entire series of measures that are contrary to the interests of the working population often is justified in the name of monetary security.

I therefore believe that this question requires discussion, for these proposals are not an end in themselves. This outline demonstrates quite clearly that a more detailed, and more closely examined, consideration of all the consequences of the problem is needed. It obviously poses the monetary question in a different manner vis-a-vis the current situation.

10992

CSO: 3100/745

KETENCI INVESTIGATES IMPACT OF TEKEL CONTRACT

Istanbul CUMHURIYET in Turkish 10 Jun 82 p 6

[Article by Sukran Ketenci: "Lowest Contract"]

[Text] Though the final form of the TEKEL [State Monopolies] contract is not fully known as it has just been signed, the basic principles are out. This broad contract, covering 60,000-70,000 workers, in keeping with the figures suggested by the government representatives on the SAC [Supreme Arbitration Council], provides for wage increases far below the SAC's basic guidelines. The contract calls for distribution of a wage increase of less than 10 percent, provided it is no less than 2,000 liras gross. A 10-percent cap like this in these workplaces shows why it is not possible to make the 3,000-lira advance payment. The rationale offered for the contract with the lowest wage increase ever seen is that worker wages were raised to such high levels in these workplaces in the pre-12 September contracts.

The SAC also concluded another big contract 10 days before this one. At issue in that one was the textile industry, the branch of labor with the lowest average wage. This contract, covering up to 80,000 workers of the Textile and Garment Workers Union [TEKSIF], calls for a 3,000-lira increase, which with a 15-percent cap is not much higher than the total advance for the same year. Moreover, by accepting a standard contract, the TEKSIF contract represents a reversal of the long-standing, vested rights included in the contracts of other unions.

The wage increase set by the SAC for the branch of labor with the lowest wages seems more or less in harmony with the basic guidelines of around 25 percent set for 1982. However, when setting the basic guidelines for wage increases of around 25 percent for 1982, it was anticipated in the rationale for the proposal originating in the [State] Planning [Organization] that inflation would also be around 25 percent for the same year, and "a wage increase consistent with rising inflation" was adopted. Prime Minister Mr Uluu later told visiting TURK-IS [Turkish Confederation of Labor] leaders and many ministers have also acknowledged that a wage increase consistent with the inflation rate was anticipated. Yet price activity and official statistics in the first 5 months of 1982 show that the annual inflation which the planners had earlier predicted at 25 percent will be at least 43 percent-45 percent. In short, through arrangements the SAC will make in contracts, the lowest-paid workers, whose wages were supposed to be partially rectified, as well as higher-paid workers, stand to lose a lot of their

real purchasing power with the new contracts. The amount by which wage increase percentages lag behind inflation is how much they will lose from their real wages, how much further their standard of living will be reduced and how much poorer they will be.

TEKEL workers make up the largest group of workers in TEK GIDA-IS [Turkish Tobacco, Intoxicants, Food and Ancillary Workers Union], the biggest union in Turkey. When the TEKEL contract was being discussed in the SAC, TEK GIDA-IS President Ibrahim Denizcier was abroad defending Turkey at the ILO as former TURK-IS president. The ICFTU had suspended TURK-IS and reported Turkey to the ILO for the restriction of worker rights. This issue is now being debated at the ILO.

TEKSIF is the union of reference in the textile branch of labor where the average wage is still not much higher than the minimum wage, despite 17 years of free unionism and owing in part also to that branch of labor's failure to feel the need for skilled workers and the tendency to overemployment. The workers in this branch of labor lost a lot more than real wages with the SAC contract. At the time this contract was being concluded, TEKSIF's president, Sevket Yilmaz, was elected to the presidency of TURK-IS. It is an interesting coincidence that Turkish Mine Workers Federation President Kemal Ozer, who was the go-between at the TURK-IS General Assembly for Ibrahim Denizcier and Sevket Yilmaz and the one who in this way ensured both the alliance and one of the candidate's getting on the Executive Board, is a member of the SAC. Another SAC member, Mustafa Basoglu, is also in the new TURK-IS governing alliance. Another member of the alliance is Mr Sadik Side, who is also a minister. The take-over of TURK-IS, SAC membership and the complicity of the biggest unions are no service to the preservation of vested rights. The TURK-IS leaders and SAC members say, "We do not ratify or sign the SAC's decisions. What can we do?" They want free unionism restored as soon as possible. As Mr Evren exulted the other day during the TURK-IS president's courtesy call: "Most of it is over, only a little remains."

8349

CSO: 4654/348

EROGUZ INTERVIEWED ON INDUSTRIAL DEVELOPMENT BANK

Istanbul TERCUMAN in Turkish 6 Jun 82 p 5

[Interview with Industrial Development Bank General Director Ozhan Eroguz by Edibe Dolu]

[Text] All eyes are again on taxes -- personal taxes, corporation taxes. It is time to list the record-holders and see how they compare. The Turkish Industrial Development Bank, with 1,558,738,572 liras in taxes, is the Istanbul record-holder. The year's record-holder, moreover, is not among the advertisements chasing each other across the TV screens, has no branches and is not a deposit bank. No kidding. And it has far fewer personnel than other banks. Are its profits attributable to its low overhead? I asked General Director Ozhan Eroguz about all this.

--"Everything you said is true. We have a staff of 350. But our profits do not depend on low overhead alone. We have a very broad range of activities. We manage our services with a small staff. Let me say this, though. We do not have any branches, but we do have field liaison offices covering the Aegean, Cukurova, Southeastern Anatolia and Black Sea regions."

General Director Eroguz told me that they and all the bank's employees had celebrated the 32nd anniversary of the bank's founding last Wednesday night and were proud to have the record-holder award coincide with this occasion.

--"We were second last year. Before that, we were always in the top four," he added.

Bank's Activities

[Question] The Industrial Development Bank is different from the others in structure and endeavors. Would you tell us about your work? Where do you get credit and to whom do you give it?

[Answer] We procure the foreign exchange, credit and capital needed for financing industrial projects. Our experts study the projects submitted to us. If the results are positive, we offer the domestic and foreign credit needed. We usually get foreign credits from the World Bank, the European Investment Bank and the K.W.F. [expansion unknown]. When circumstances allow, we also borrow on the market.

[Question] You said you offer capital as well as credit. Do you have partnerships with certain businesses, then?

[Answer] We make up capital deficiencies. But we do not retain the partnership indefinitely. When the business starts making a profit, we sell our shares to the public.

[Question] Some people think the Industrial Development Bank is a public enterprise. Is this correct?

[Answer] No, we are a private concern. Our partners are certain banks, including the Labor Bank, Osmanli Bank, Ak Bank and the Construction Credit Bank, insurance companies, industrial organizations and individuals.

[Question] Do your partners get priority in the distribution of credit?

[Answer] No. The important thing for us in a credit request is that the project be a good one. The project may be good, but deficient in some way. We make that up. If it is for an underdeveloped area, we may even help in drafting the project.

[Question] It is said that the exchange rate difference puts a great hardship on the Turkish industry using foreign credit. What is your comment on that?

[Answer] The exchange rate difference or foreign exchange risk is something that has been talked about for the past 2 or 3 years. But let me say this, the interest rate on foreign credit is 13.5 percent. This rate on Turkish currency goes up to 50 percent. These two rates do not necessarily create any big problem barring any great rise in inflation. For a while there was a problem of a liquidity shortage. The government found a formula to combat that, applying a special rediscount. For 3 years it offered credit to cover part of the exchange rate difference. This is 8-year credit at 17 percent interest. This was a help.

[Question] What do you look for in the distribution of credit? Is there government pressure?

[Answer] Conditions change depending on economic development in Turkey. At first there was no important industry. Underdeveloped regions were stressed in the 1970's. Multiple partnerships were given priority for a while. Lately, export-oriented endeavors have taken precedence. Exports gained importance because investments had practically stopped.

Eroguz Family

Ozhan Eroguz came to this job succeeding Resit Egeli, who had served as general director for a record 25 years straight. I asked about his education and relationship with the bank.

--"I attended the Istanbul Academy of Advanced Commercial and Economic Science. I worked for a while as an accountant at the Finance Ministry. Then I took a job as a 'specialist' on the staff of this bank. I have worked at the bank for 21 years, serving as general director for the last 5," he said.

[Question] General director of a bank is a job requiring responsibility. It also requires a great deal of protocol. How do you manage this business entertaining with your work hours? Is your wife helpful in this regard?

[Answer] Let me just tell you this. We probably went out every night for the past 3 weeks. My wife is always with me when I have to entertain, especially foreign visitors. She also accompanies me on all invitations. Actually, my wife likes to travel and that takes care of the matter automatically.

8349

CS0: 4654/348

TINDEMANS ASSESSES BELGIAN PRESIDENCY, STATE OF EC

Brussels KNACK in Dutch 30 Jun 82 pp 16-19

[Interview with Belgian Minister of Foreign Relations Leo Tindemans in The Week column by Frank de Moor: "Leo Tindemans: The Struggle with the Facts; Half a Year of EC Chairmanship"; passages in slantlines published in italics.]

[Text] Belgium, which at the beginning of this year took over the 6-month chairmanship of the European Council of Ministers from the United Kingdom, in its turn is handing it over to Denmark today. Minister of Foreign Relations Leo Tindemans (CVP [Social Christian Party]) thus attended his last EC summit meeting as member of the Belgian presidium in Brussels at the beginning of this week. However, anyone who rereads the Belgian priority program which, amongst other things, Tindemans submitted to the European Parliament in Strasbourg on 21 January 1982, cannot avoid the impression that but few of those priorities have materialized during the past months.

Although Minister Tindemans refutes that criticism to some extent, he did express his sorrow over Europe in the discussion below and was willing to discuss topics which were somewhat difficult for him as minister of foreign relations.

Leo Tindemans: The EC certainly did not decline during the Belgian chairmanship of the council of ministers -- quite the contrary. The European monetary system [EMS] was saved. It remained intact during the Belgian and French devaluations, and at the summit meeting of state and government leaders on 6 June in Versailles the significance of the EMS was once again underlined. Moreover, the idea which we have always defended of coming to an agreement between the EMS-, the dollar- and the yen-zones was accepted in principle and included in the final communiqué of Versailles. Thus the idea is again up for discussion and was also subscribed to in Singapore at the meeting between the EC- and ASEAN [Association of South-east Asian Nations] countries. However, a considerable number of initiatives and agreements in the Third World are never mentioned.

With respect to the European Communities themselves, the negotiations with Spain and Portugal with a view to their joining the EC only got started under our chairmanship. If France should refuse Spain, we'll have to see.

In short, so much progress has been booked under the Belgian chairmanship that all countries are sorry we don't continue with it. Be that as it may, the so-called /Genscher-Colombo proposals/, named after the German and Italian ministers of foreign relations, will now be further discussed under the Danish chairmanship in the task force we created under the leadership of Philippe de Schoutheete.

At the EC meeting in Luxembourg on Sunday and Monday 20 and 21 June it was apparent from the four obstacles which were removed from the Genscher-Colombo proposals that: 1) the Ten also (want to) discuss /security/ in the Community, 2) a further political /integration/ and collaboration is not impossible, 3) the authorities of the European Parliament, on the other hand, may certainly not be expanded according to a number of countries, and 4) that some, especially the most recent EC member states (unjustly in my view) continue to attach great importance to voting by unanimity, even if only one member state asks for that.

Thereupon we proved by means of the 1966 texts that much has gone wrong on that point and that only France had asked for the unanimity rule to be applied at the time, but that this had happened in totally different circumstances. The gentlemen had forgotten all about that. The so-called /Luxembourg Compromise/ was an /agreement to disagree/; it was clearly five against one, and the newcomers in the EC should not come and tell us now what the treaty meant. For that matter, during the Belgian chairmanship we have repeatedly had to wrest more respect for EC treaties.

[Question] What the layman remembers is that in the European context considerable talking takes place at times, but that very concrete actions are not taken and that, moreover, they are even ambiguous then. For example, although Israel was condemned for its invasion in Lebanon, against Argentina an embargo was announced immediately because of its invasion in the Falklands.

Tindemans: You forget that the signing of the financial protocol with Israel was postponed indefinitely and that Lebanon cannot be compared to the Falklands. In the latter case it was a matter of a military occupation of part of the territory of an EC partner with the intention to incorporate it into Argentina. The Israeli invasion in southern Lebanon on the other hand does not have the same goal. Israel was attacked from the territory which it is now overrunning.

[Question] Don't you think we got behind the United Kingdom too rapidly, almost jumping into the boats along with them?

Tindemans: No, not at all. The action of the European Communities as a result of the Falklands war in the future will be one of the examples to illustrate how the Ten react politically to the international scene "as Ten."

[Question] Except of course for Italy, Ireland and Denmark.

Tindemans: Their separate attitudes only developed later when the economic sanctions against Argentina had to be prolonged. It was difficult for Italy not to take into account the millions of Italians who live in Argentina. Ireland always has fostered very particular feelings toward the United Kingdom and Denmark indeed wanted to take retaliatory steps, but on a national level and not as Community.

At the same time it was proven once again just how problematic the future of the European Communities threatens to become with a number of member states who are not affected with the sense of community which inspires us, the founders. I see a community of six plus four, and if tomorrow two new member states join, I don't see a community of ten plus two, but of six plus six.

[Question] Everything which happens both within the European Commission, as well as in the European Parliament and in the council of ministers, still continues to be a rather distant event. Will the European Community ever be able to be really democratic?

Tindemans: In the Belgian parliament there is clearly too little interest in European affairs. For example, in our country there is not even one commission which investigates how we should adapt our national legislation to EC guidelines. I do indeed have certain ideas to correct that situation, but first I should discuss those with the chairmen of the chamber and the senate.

In any event, a closer collaboration should exist between the national and European members of parliament. Perhaps it would have been better if half of the European members of parliament had retained their double mandates. On the other hand, a grave error was committed of course when the European Parliament was founded. Those who were directly elected for the first time in June 1979 went to Strasbourg and immediately took over the existing traditions of a small club. A directly elected parliament, whether it be national or European, moreover only makes sense if it stands as a legislative body in conjunction with the executive body, but that doesn't exist. The European structure is only half completed, and the greatest confusion prevails as to the part which does exist.

Although I had a different vision of the recently established European Foundation, it can certainly start doing something about the situation. The European idea, which was the most generous political idea since World War II, too much remained the idea of a small majority. Even though the livelihood of people often depends on it, the European idea never grew into a popular movement. Even though the European Foundation in my opinion has become too inter-governmental, it could perhaps still strengthen the feeling of solidarity among the citizens of the member states through colloquia, cultural exchanges, etc.

[Question] Don't you think that the people would rather prefer the Europe in the chips, or at least that they expect a coherent answer to the challenge from the industrial shores of the Pacific?

Tindemans: I think indeed that most people intuitively expect that Europe would face the crisis. Surely no single country can today prepare for the future all by itself. In Europe, however, what is happening in other countries due to their studiousness and energy isn't appreciated. To think that we can still live on the attainments of the sixties is a very big mistake.

[Question] The politicians of your generation are still making that error daily. You did not realize during the past 10 years that the sun was going down here permanently, and that the life in California, Japan, Hong Kong and South Korea was starting.

Tindemans: I am practically the only one left of my generation in this parliament. Now those in their forties are in power. We are the ones who worked after the war, but not the ones who made policy. It is good for you to know that. The question of who is to blame is senseless. The question is whether we are aware of what has to be done in the future.

[Question] Do you plan to do something about that as minister of foreign relations? It looks as if Belgium currently has at least eight national or regional ministers who would like to be involved in foreign affairs, but all that traveling gives the appearance of a disorderly retreat.

Tindemans: The state reform is what it is, and we can come back to that later on. There is of course only one minister of foreign affairs, and this department will remain /national/, together with that of finance and defense.

That does not prevent a minister or secretary of state who wants to travel from doing so if he has the means for it. Something new in this government accord is the Ministerial Committee for Foreign Economic Relations in which all the ministers concerned, under the chairmanship of their colleague of foreign relations, get together every two weeks. They are the ministers of economic affairs, finance, foreign trade, agriculture, development aid and energy. For the sake of linguistic balance, deputy prime ministers Gol and Nothomb -- respectively minister of justice and of internal affairs -- were added. In that committee all aspects which coordinate the growth of Belgium will be dealt with from now on, and that growth can only be aimed at export.

[Question] Since the Polish and Afghan problems, Europe seems to be hurt also in this area by a new American approach.

Tindemans: The United States indeed has started to press for better control of the trade of high technology products. Because many of these products often are used militarily also, and because Western credits at especially favorable conditions free more means for arms, in the Soviet Union for example, the conviction has increased that the West actually is financing the military buildup of the Eastern bloc. The Reagan administration is convinced of that and wants to do something about it. In the European countries that is a more difficult problem.

Thus, for example, we had accepted to take joint steps with respect to the granting of credit and supply of energy as a result of the events in Poland. Well, already the following day a member state announced that it had concluded an agreement with the Soviet Union for the supply of natural gas. One should admit that there are reasons for the Reagan administration, full of dynamic activists, /doers/, to ask itself questions.

Thus in the United States a current of unilateralism is developing which threatens to take the Europeans less and less into account. On top of that the United States accuses us of selling subsidized steel, of pursuing a protectionist agricultural policy, etc..... We should urgently create a forum in which the United States and Europe meet each other to discuss that current of mutual accusations.

[Question] Thus you believe in an official body of consultation to arrive at that? The summit meeting in Versailles, however, was not a very good example of that. Barely a few days later the exchange rate of the dollar reached record heights again; Europe was on its knees, and the United States launched the steel war which, as you say yourself, threatens to expand to other European products.

Tindemans: In Versailles itself it already was clear that some European countries only paid lip service to the American approach to the problems with respect to trade- and credit relations with Eastern Europe, but in fact did not stand behind it. The weakness of communiqués such as that of Versailles is indeed that there is no built-in mechanism which forces the signers to make good their promises. Such a communiqué is just like a New Years letter. When I said that to a journalist of L'ECHO DE LA BOURSE at the end of the summit meeting, I was immediately reproached for not speaking the same language as Prime Minister Martens. Unjustly. You see, the facts have proven me right.

[Question] That does not always happen. Take the Middle East, for example. On 31 May you stated in Jerusalem at the end of your diplomatic tour of reconnaissance in Kuwait, Saudi Arabia, Egypt and Israel that ". . .the chism between Israel and the Palestinians with respect to Palestinian governing autonomy can be bridged," and that you had suggested to Israeli Prime Minister Begin that he halt the Israeli settlement policy. Six days later Israeli troops invaded southern Lebanon.

Tindemans: You forget that I also stated in Jerusalem at that time that we should immediately do everything in our power to avoid a war in Lebanon. Sunday morning, when a communiqué about Lebanon was submitted to us in Versailles, I pointed out to French President Mitterand that this communiqué did not agree with reality, that the situation over there was much worse, and that something could happen at any moment. At 16 hours we were called together to learn that two Israeli brigades had invaded Lebanon.

[Question] While there, had you received indications that something like that was about to happen?

Tindemans: I can't remember who it was, but someone told me: /"we want to clean up the situation in Lebanon" [in English]/and they repeated it in German: /"the situation must be cleaned up."/

[Question] Would you have been able to do something in those 6 days?

Tindemans: We could have mobilized politically and diplomatically, but no one believed me. Meanwhile I submitted the report of my reconnaissance trips in the Middle East to my nine EC colleagues. On the basis of that and in the light of the most recent events the Ten now ought to know whether they still stand behind the /Venice Declaration/ of 1980 and they have to decide, amongst other things, whether the Palestine Liberation Organization, the PLO, should be included in a peace initiative in the Middle East.

[Question] Nationally the facts don't always put you in the right either. I'm thinking of the debate with respect to nuclear warheads and Zaire.

Tindemans: With respect to the possible installation of new nuclear warheads in our country, we will stay with the bi-annual reports. At this moment not much can be said about that. In any event it is a positive sign that both American President Reagan and Soviet Union Party Leader Brezhnev have accepted to negotiate, and we think it will be serious. Moreover, President Reagan is no longer speaking of arms control, but only about arms reduction, and at the most recent NATO meeting there were two emphatic references to the so-called /Harmel doctrine./ Thus we must not only see to a balance between East and West, but also to detente.

However, waiting for the outcome of the negotiations should not keep us meanwhile from working on preliminary studies and documents. Just think of what Chancellor Schmidt said at the last SPD [Social Democratic Party of Germany] congress. If we decide on deployment now, we remove the incentive from one of the negotiators to still negotiate seriously. If on the other hand we say already now that we will not install those nuclear warheads, then we remove the incentive from the other negotiators. On the other hand, we should not repeat the mistake of awaiting the end of the negotiations before deciding, for then those negotiations could be stretched out endlessly while the Soviet Union quietly carries out its SS-20 program. For that matter, that is also the gist of what my party chairman, Frank Swaelen, said recently. He merely added that there is no reason whatsoever for immediate installation now. If the European responsibility within NATO were greater, the European pillar somewhat stronger, then the population would also be more conscious of our duty and accept that we too ought to make a defense effort. In the Genscher-Colombo proposals the aspect of security is discussed, amongst others, and perhaps something can develop from that to strengthen the European pillar.

[Question] Now that in the American House of Representatives strong criticism is being voiced against Zaire President Mobutu and his regime, perhaps it is time for the Belgian Government to do something about that also?

Tindemans: As you know, we don't recognize regimes, but states, and there are historic ties with -- some even say special obligations toward -- our earlier colony where many people still expect a lot of us.

[Question] On 2 June you said in Antwerp that aid should be given to those countries without feeding an expensive bureaucracy on the back of misery, and on 17 February you said in Georgetown (USA) that also in the Third World only democracies offer durable and efficient solutions. What if we were to apply your words to Zaire, for example?

Tindemans: I said that on American territory. If, however, we are honest for a moment, we all know that a democratic model such as ours cannot be applied just anywhere in the world. I am not pleading now for degrading human conditions, as you'll understand, but we cannot always transfer our views on democracy, developed over 1000 years, to other countries with other traditions.

Also for Zaire we will of course point to human rights and use our influence as far as it reaches, so that we cannot be reproached, and also because we defend human rights out of conviction. The Mixed Belgium/Zaire Commission normally meets in September, and then we shall see.

I can give you some indication, however. As I said when I took office, I should like to have an /Africa policy/ and not just a Zaire policy. Well, a document of about 30 pages is now ready on that subject. It shows, amongst other things, that our experiences in Africa and even our specializations in tropical medicine and agriculture are trump cards for which some countries envy us, but which we do not play sufficiently. Thus we could also have an Africa policy, and more will be announced on that shortly.

8700

CS0: 3105/193

THORN EMPHASIZES PROBLEMS OF EXPANDING EC

Madrid EL PAIS in Spanish 16 Jul 82 p 45

[Interview with European Commission Chairman Gaston Thorn by Soledad Gallego-Diaz, in Brussels; date not specified]

[Text] In June of this year, the Spanish Government's last hopes of being able to join the European Economic Community (EEC) in 1984 were buried. The Council of Europe, that is, the assembly of heads of state and government of the 10 member nations of the Common Market, decided at that time to assign to the Commission (the executive and bureaucratic organ of EEC) the drafting of a new list or tabulation of problems caused by the expansion of the Community and the search for concrete solutions to each and every one of them. Nearly a month has elapsed, and some think that the Commission intends to return the ball to the member states, asking them, in turn, to prepare a memorandum and explain in what respects the entry of Spain and Portugal would upset their national economies. Gaston Thorn, aged 57, former prime minister of Luxembourg, and current chairman of the European Commission, agreed to answer questions from EL PAIS 72 hours before the Spanish minister of foreign affairs, Jose Pedro Perez-Llorca, visits him in Brussels and formally requests an explanation of what has occurred. In a somewhat annoyed and accusing tone, Thorn claims that the list will be submitted to the Commission in September, and that if the negotiations do not progress it will not be his fault.

In his view, the situation is very clearcut: France will not allow Spain's entry until the most important internal problems of the European Economic Community have been solved. This does not mean that the negotiations are halted, but it does mean that they cannot be concluded until those conditions have been met. It is impossible to ascertain the time it will take to solve the Community's internal problems. If one heeds experience, it will be very long, but the Commission chairman believes that the 10 really have a desire to make a decision and emerge from the crisis.

[Question] When the European Council requested the list from the Commission, many newsmen had the impression that the Commission was rather bewildered.

[Answer] If you want to find out what the Council wants, you will have to ask the Council itself.

[Question] I would like to find out what the minister of the 10 EEC member nations requested of the Commission.

[Answer] The distinction is essential. It is a fact that the Commission has done its job since "operation expansion" began, several years ago. On certain occasions, the Commission must receive instructions or, possibly, the green light, from the Council of Ministers. At present, and after President Mitterrand's trip to Madrid, the Council, at the proposal of the French president, decided that the expansion should be made with maximum clarity. We have stated that we worship clarity and light on all levels. According to the president of the French Republic, there are certain problems, apart from those posed by Spain's entry, which must be solved rapidly. The French president wants an examination of the effect of the expansion on the national economies, considering each one separately, as well as the phenomenon of the repercussions on the regional level. He cannot give his blessing to the expansion before this work has been done, even if we, the Commission, had been capable of bringing the negotiations to a close. Our reaction was to ask: "Mr President, Messrs Presidents, are you still in favor of the expansion?" The response was "yes": they were all in agreement. So, we said that the Commission would continue contributing to the negotiations as it has thus far. Obviously, we shall fulfill the desires of the heads of state and government, and we shall make the list of the problems. We are willing to study certain particularly complex areas a little more. I have sent a letter to all the heads of state and government, asking them to specify better for us the specific issues that worry them most. Vice-Chairman Natali will head the task force created for this purpose which, at the request of the member states of the European Community, may go to the capitals to examine the problems and make the list quickly.

'It Is Not a Matter of Years, But Not of Days Either'

[Question] What time period is there for making that list?

[Answer] I don't know yet. The operation has just begun, and vacations are not the most useful period, although we have not wasted any time at present. It will not last for years, but it will not be a matter of days either.

[Question] In March of this year, we Spaniards received the impression that things were proceeding somewhat better, and that for the first time negotiations were really starting. What happened between March and June to prompt the Council to decide to assign the list and block the negotiations?

[Answer] You ask questions and give the answers yourself. Let us deal with the questions. First, if you had the impression on 21 March that everything was settled, I admire your enthusiasm, but I do not share it. I believe that the acting chairman of the Council, my friend, Leo Tindemans, had a greater desire than the others to push the negotiations to the maximum extent, and did so as much as he could. That is all. It would have been necessary for the "10" to give constant signs of that same desire.

I have just stated, and I could repeat it six times but we would waste time, that the Commission has decided not to stop the negotiations and to make the study, or tabulation, concurrently. You may be right if you think that we shall not obtain the approval of the Council until that work has been finished. It is true, but

this does not mean that the negotiations are halted. Five years ago, I told my Spanish friends (who wanted to sign immediately, that very afternoon if it were possible) that there was a great deal of work yet to be done, and not to think that, because a critical problem existed, everything had been given up and nothing could be done. I regret, on the one side and the other (and, I stress, for the sake of both sides) that more effort is not being devoted to planning the negotiations. I know how long the negotiations with the United Kingdom lasted, and I also know that, 10 years after its entry into the EEC, we have not yet solved all the problems. Those in Spain who think that everything will be settled in 6 months are mistaken, and will receive a rude awakening even if the signing could be done next January.

What has changed, you asked. If you want to know what Mr Mitterrand has in mind, you will have to ask him, not me. The president of the French Republic has said that he wanted to know the response to the problems relating to the common agrarian policy (CAP). When we discussed farm prices, we noted that the two of us did not share the same ideas. For example, are we perchance in agreement on oil-seed products? Are we in agreement on the future of the CAP vis-a-vis the United States? What will the regulations on wine be when other producers join us? There will have to be a common philosophy on these major options before admitting a large country and before new problems crop up. Mitterrand thought that he detected in the Community a certain tendency toward saying, "Let's expand, and we shall talk about the problems later," as some in Spain also seem to wish. For his part, he says that the problems must be identified and solutions found for them first, expanding later.

'Spain's Entry Poses Serious Problems'

[Question] You are finally telling me what Mitterrand thinks, but not what your own view is.

[Answer] I believe that the expansion must be made clearly; I only regret that there was no desire to shed that light a little sooner.

[Question] From the Commission's standpoint, does Spain's entry really pose such enormous problems for the Community?

[Answer] I don't know your definition of "enormous," but I can say that it poses serious problems. I must repeat again that, even without Spain, the CAP (common agrarian policy) has brought up such major problems that they even threaten to break up the Community of "10." We have been discussing for years how to reorganize it. Recently, we have succeeded in overcoming somewhat the costs of certain products from the north, but now there is a cost that is increasing rapidly (more than we had thought) for the Mediterranean products. At the same time, we are close to the limit of 1 percent for our own funds. The member states claim that this is not the time to give the Community new funds; the costs must be curtailed, and we observe a particularly dangerous explosion in connection with the Mediterranean products. On the other hand, we hear the countries of the southern Mediterranean asking us whether, when Spain and Portugal become members of the EEC, they will still be able to continue selling their products among the "10." There are some who claim that, if the present system were to be continued, the large Spanish

crops could readily force an increase in agricultural costs amounting to a billion accounting units. Will that amount have to be "gained" on other products? As a result of this unfortunate situation marked by a depletion of our own funds at 1 percent, the effort of considering how to restructure the CAP, the growing size of the Mediterranean region and the increasing sensitivity of our associates in North Africa, it has now become necessary to address all these questions. Our Spanish friends should not be disappointed on this account. In my opinion, there is no doubt about the expansion. This situation will not change just because it takes place a few days or a few months later. The United Kingdom joined 10 years after expecting to (although others claim that it joined 10 years too soon). I don't know. In any event, I would say that there are even fewer doubts about the entry of Spain and Portugal. Since I am fanatically in favor of the expansion, I also share the view of those who maintain that it must be done with clarity, because in the previous expansions there have been some problems left open, and that is bad for everyone.

[Question] I seem to have the impression that you consider an increase in the 1 percent base of the VAT as your own funds to be a prerequisite for the expansion.

[Answer] No, I don't think so; but it is obvious that if the receipts increase, it will be possible to spend more readily. It so happens that many countries do not exactly want to raise that 1 percent.

[Question] But that is not France's problem; rather, it is the problem of the Federal Republic of Germany.

[Answer] It is a problem for all those who pay. It must be realized that, at the present time, everyone is adding up sums. With the current financial situation, the European countries have become more watchful than they were 6 years ago. In the past, there was always a margin, but now, when the European Parliament or the Commission mentions raising the 1 percent, countries such as the Federal Republic of Germany or the United Kingdom, which think that they are already paying too much, and which also hear that the expansion will cost money, take out pencil and paper and count, and they ask me to find a financing system.

[Question] Do you think that Spain has engaged in sufficient diplomatic effort on the bilateral level in the European capitals?

[Answer] I am not in the habit of criticizing those with whom I am speaking. I think that Spain has accomplished much, and that too much has never been done. On one side and the other, we must frankly exchange all the information that could aid the negotiations. I believe that, as proven by President Mitterrand's visit, and as proven by the United Kingdom in its time, political negotiations and bilateral efforts are really enormously useful.

[Question] The entries of Spain and Portugal have been proposed as "parallel processes." Does this mean that both entries will take place simultaneously?

[Answer] That is an explosive question, but it seems that there are nothing but explosive questions here. At the request of both, we have always said that each

application for membership should be treated on its own merits. We have maintained this. If an insurmountable obstacle is encountered for one of the two countries, there is no reason to impede the entry of the one not beset with obstacles. They are not linked matters: Spain's destiny does not depend on that of Portugal, and vice-versa. Now then, I might add that we consider it better for Spain, for Portugal and for the EEC that the entry take place at the same time. An expansion is a crisis (a crisis of growth), and it is better not to have them too often. If one request appeared to have been blocked for years, then it would be something else; but there are no reasons for it, and we should be able to make the expansion at the same time.

[Question] It would appear that President Mitterrand not only wants to be apprised of the problems posed by the entry, but also to have at hand the solutions for each of them.

[Answer] I also have that impression.

2909

CSO: 3110/181

AKEL POSITION ON NATIONAL STRUGGLE

Athens I KATHIMERINI in Greek 12 Jun 82 p 4

[Article by Ploutis Servas]

[Text] Inasmuch as the AKEL leadership did not have the courage to immediately retract those things which it had insolently hurled in the face of the Greek premier, and the Cypriot president found himself unable to impose order and decorum, it was natural that the reporters would be kept at a distance. And would be told nothing, except for the standard line, from the mouths of the two leaders. Nor did the official laconic line offer anything reassuring. It simply let it be known that the Cypriot president will continue his trip to New York, and the joint deliberation between the two governments will be continued after his meeting with de Cuellar. Thus, despite its acute nature, the issue has remained in suspense.

Unfortunately, the Cypriot president has remained unmoved in his original conviction that: "Everything which gave rise to the heatedness and the disappointment can be attended to, sooner or later, within the continuing tranquility." He believed, and he continues to believe, that this aim would be helped along a great deal by taking the line of AKEL's distinctive type of "reparations." Everyone should remember what Papaioannou had shouted, in the presence of Florakis, from the rostrum of the 15th AKEL Congress (about 20 days ago): "The patriotic democratic people are awaiting the complete ironing out and reviving of relations between the Greek and the Cypriot governments. AKEL will welcome and will cordially applaud such an agreeable development, which in our opinion is essential." Subsequently the official journalistic organs of the Left in Athens and Nicosia continued to express themselves on the basis of the above pronouncements.

Finally, KHARAVGI chose 3 June, the day of the arrival of Kyprianou in Athens, to come out with praises for Papandreou and his political line, in a full-page leading article under the title: "This is dictated by common sense." This article emphasized the "need to completely bridge the gap which has formed... following the well-known statements of Maroudas on democratic cooperation between AKEL and the DIKO [Democratic Party]." Because "the democratic political forces deeply appreciate the solidarity and help which has been given by the premier of Greece and his government to our struggle. Papandreou personally saw and felt the expressions of respect and esteem (for him) by the Cypriot people.... On the basis of these facts, we believe that the meeting will dispel all the clouds.... This is the sincere desire of all democratic Cypriots, who appreciate so much the solidarity of democratic Greece."

Later on, this article of "common sense" recalled the pronouncement by the secretary general at the congress, which "...at the same time exposed the deceitful schemes of the extreme-right reactionary forces in Cyprus, who are trying to widen the rift between Athens and Nicosia and to expedite the conspiratorial plans of reaction and imperialism....These pro-imperialist forces are striving for the overthrow of both Papandreou and Kyprianou...." And it concludes "very eloquently": "This restoration of relations will form a new departure, a new milestone in the development of fraternal relations and close cooperation.... This is dictated by our common objectives and struggles for democracy, peace, and social progress....This is dictated by political common sense and patriotism."

The simple-minded person could wonder: What is the aim of this proclamation "of political common sense and patriotism," when the point at issue is found elsewhere? And who has caused this rift? Maroudas? Or the outrageous vilifying of the AKEL leadership? Who are the ones who have piled up "all these clouds"? The extreme-right reactionaries and...imperialism? By what logic? Generally speaking, what place do these forces have in the case at hand? How have they acted and how did they intrigue to pile up these clouds? To provoke the intervention of the premier and to lead the president of Cyprus into such a painfully difficult position?

And the simple mind wonders further:

Based on its deliberations with the Cypriot president and their agreed-on moves in the European area, the Greek government had made a proper and wise statement in the face of the sudden appearance of the "minimum program" of DIKO-AKEL: Internationalization along with bipartisan cooperation in the election campaign is not possible. Such collaborations are illicit, unfair, and disastrous. Internationalization requires first of all and above all the involvement of all sound patriotic forces.

These things are seen and pondered over by the ordinary person. But the proclamation of common sense and the other expressions from AKEL do have another side. Because it is not only a matter of insults and their foolish secretiveness. The attentive observer ought to look for the roots of this attitude at a much deeper level than where these frivolous insults have found their way. Such roots are in the area where the AKEL leadership fundamentally disagrees with those things which have been agreed on between Athens and Nicosia, in connection with the strategy and course of internationalization. Because the AKEL leadership and the minimum program impose on internationalization the dogged continuation of the intercommunal talks. And they avoid the basic issue, which the Athens-Nicosia deliberations dealt with, that "if the resident troops do not withdraw, no healthy dialogue is possible." This antithesis is clearly evident in many AKEL publications. And it was Andreas Ziartidis (resuming with more emphasis his former self) who in his recent speech to the officers of the PEO [Pan-Cyprian Labor Federation] in Limassol proclaimed: "Even if the talks are broken off a thousand times, we will call for them again and again. Cyprus cannot get along without a dialogue." (See: in the Sunday newspaper AGON of 4 June 1982).

And if moreover one penetrates even deeper to the roots, one can easily verify that AKEL's original sin is that which keeps it from seeing the light.

Unfortunately, it is the same thing which keeps it immovably fixed in its position: That no internationalization is acceptable if this goes beyond the directives of the Kremlin, which at all times have a higher standing.

But also an important issue is raised by the "proclamation on common sense and patriotism" which is being constantly reiterated in AKEL's statements of its positions. It is the endless and imperative "duty" on the part of the people to have "vigilance" in the face of "the deceitful schemes of the extreme-right reactionary forces, which (in the case at hand) are trying to widen (as Papaioannou emphasized to the congress) the rift between Athens and Nicosia in order to exploit it, to the detriment of the democratic forces both in Cyprus and in Greece."

But who are these "democratic forces"? Are they by any chance only those who go along with the intentions, the sloganeering, and the alliances (domestic and foreign) of AKEL and the KKE? And the reactionaries--extreme rightists or not--who are they? Do they include perhaps the EDEK [United Democratic Union of the Center] of V. Lyssaridis? And all the other smaller parties? And the whole army of Glaukos Kliridis, the 30 percent of its electoral strength? But all these parties together influence at least 50 percent of all Cypriots. And would these reactionary forces even include the DIKO of President Kyprianou perhaps, if "democratic cooperation" with them did not happen to be realized? And perhaps these reactionary forces would include also Andreas Papandreou, if he succeeded in moving the Cypriot president in the direction of a militant joint campaign of all Cypriots against the foreign occupation? In any case, history has already recorded that the AKEL leadership had not hesitated to brand Premier Papandreou as a reactionary of such proportions that he was acting as an agent of all the Cypriot "extreme-right reactionary forces," and even as an agent of Raouf Denktas.

This, unfortunately, is the most tragic and shocking conclusion to emerge from this crisis, which is not over yet.

12114

CSO: 4621/399

OPPOSITION ARISES IN FDP TO GENSCHER'S COURSE

Hamburg DER SPIEGEL in German 5 Jul 82 pp 69-72

[Text] Hans-Dietrich Genscher was certain he was right: The party, the FDP leader announced on Sunday the week before last, would contest the Landtag election in Hesse "of one mind" and "united," there could be "no doubt" concerning the loyalty of the liberals.

In the Land, the situation appears to be different--in spite of Genscher's appeals, the FDP is divided as never before. It is dawning on the Free Democrats that their abrupt swing to Dregger's CDU, which Genscher himself instrumented, could lead them offside and cost the FDP its parliamentary existence.

FDP members have recently been expressing their displeasure with Genscher's wobbly course in lists of signatures, which are circulating countrywide. A left-liberal group in Berlin, called "Steglitz Initiative," which mailed a resolution opposing Genscher's "tactical games for a political coalition" to 2,000 members in mid-June, found an "overwhelming response" (Initiative spokesman Heinz Loeffler); he said that many members, including district and Land committee members, had already signed. Loeffler says of Genscher: "We cannot allow ourselves a second Erich Mende."

Nowhere does the liberals' course appear to be as controversial as in Hesse--12 weeks before the Landtag election. The dispute began after the liberals had decided on 17 June in Darmstadt, by a bare majority, to form a coalition with the Union.

Defeated delegates were complaining at the site of the meeting, the "Luisen-Center" congress hall, about the "schizophrenic situation" that "we are supposed to line up with Dregger for Genscher and Schmidt, but against Boerner" (Landtag delegate Michael Mueller). Delegate Ingeborg Wolf from Frankfurt, who 4 years ago had distributed "Put the Brakes on Dregger" buttons during the election campaign, announced: "I'm not putting up posters for Django."

Days later the party leaders were fighting among themselves. Minister for Economics Klaus-Juergen Hoffie, a vehement proponent of the new course to the right, was attacking the left: "With those people one can only lose." His fellow committee member Eberhard Weghorn then publicly denounced the "weak man" Hoffie: "He of all people is building himself up as the supreme strategist and referee." FDP leader Ekkehard Gries finally criticized both of them: "Intolerable mania for publicity seeking."

But even a letter to the members of the Land FDP, in which Gries urged them to support the resolution "with a show of solidarity," had little effect. When Hoffie stated last week that he would rather "renounce a promotional step than BIBlis C," that means just like Afred Dregger, the party left mobilized.

Landtag delegate Mueller announced that sections of the social-liberal wing would "not conduct an electoral campaign in the streets and at meetings for this FDP." Mueller said: "For a Boerner cabinet, yes, for Dregger, no!" The dispute threatened to split the Land party--not into left and right, but, as Prof Theo Schiller, spokesman for the left-liberal "Giessen Circle", sees it, into "those who are concerned about getting into office and others who want a liberal revival." Hesse's Young Democrats have already called on the national Judo board to look into the creation of a "genuine social-liberal party."

The dispute among the liberals comes at the right time for the ruling Social Democrats in Hesse. Election strategists for the SPD, which, with 34 percent according to the latest opinion polls, is far removed from a governing majority, are finding hope for the elections in the fall. Minister President Holger Boerner is already predicting the "parliamentary demise" of the FDP: "Anyone who wants a social-liberal policy," he says, "will vote for me now."

The only certain thing at the moment is that a full 4 to 6 percent of Hesse's voters currently support the FDP, as the Allensbach Institute for Demoscopy discovered. One-third of these supporters, however, imagined themselves as only "perhaps" voting for the new black-and-yellow alliance.

In many places FDP officials are noting that in spite of all the weaknesses of the SPD, the turn to Dregger cannot be made to appear plausible to the voters. At an election meeting in Maintal, when he wanted to convert FDP members to the new course, right-liberal delegate Alfred Schmidt had to listen to criticism like this: "You caved in, who is supposed to elect you." During a tour of the district at the end of June, along the Odenwald and the Berstrasse, election contender Gries continually heard the complaints of party officials: "What are we supposed to tell the people?" One of them said mockingly: "Salto liberale."

In Marburg 40 party members appeared uninvited at an FDP board session to protest against the swing. There too, the chairman of the local association, Heinz-Hermann Storck, is asking himself how he is supposed "to motivate anyone here to vote."

In Frankfurt, Giessen and in the Rheingau, party members, among them prominent local leaders, have returned their party membership books. In Egelsbach the liberals demanded the resignation of their own Landtag candidate, Mechthild Vogt. According to the local association she had decided "in favor of blatant retention of power along with the Land FDP, while betraying liberal goals."

FDP spokesman Frank Methlow says that the protest resignations are not causing the Frankfurt central office "any concern, in terms of numbers it's nothing spectacular." However, the leadership team of the FDP is a little piqued about a bad joke which has been going around in Hesse recently.

Question: "How do I spell F.D.P. on 26 September?" Answer: "F stop D stop P stop end."

EDITORIAL ON CURRENT GOVERNMENT POLICIES

Athens AKROPOLIS in Greek 23 Jun 82 pp 1,7

[Text] Confusion seems to be possessing the governing party. The reason: the clash between the strange "socialistic" doctrines and reality. The latter refuses to submit to the former; the former refuses to comply with the latter.

The international situation, national problems, and worldwide reality are imposing a turn in our foreign and defensive policies. A turn which will be based on recognition of two facts: that our security, our integrity and the course of our national issues are dependent on Brussels--on NATO, the EEC and the West. And that the nucleus, the center, the guiding force of the western world is the United States. These facts are objective. They are not subject to the will of those governing. They are the immovable reality--whether it pleases them or not.

Our domestic situation, our economy and our progress are imposing a turn in our domestic--particularly our economic--policy. A turn which will be based on recognition of two facts: that with every party, or other, sacrifice, division must be avoided. And that the PASOK "visions" are inapplicable. A simple reminder of them creates a climate of insecurity and, thus, is ruining the economy. These facts are equally as objective as those concerning the foreign sector. They are independent of the will of those governing. They are the immovable reality--whether it pleases them or not.

The "political volition" of those governing ought to adapt itself to these facts, because there are no international and domestic realities which will submit to it. Recognition of reality is necessary, even if those governing consider it "grim," as well as adaptation of their whole policy to it.

There have been examples of a certain coming into contact with reality on the part of those governing, and some indications of readjustment of their course. At the same time, however, there is a continuation of the evocations of the "visions," the propagandistic references to theoretical fabrications and the adherence to positions which remained irresolute. Mr. Papandreou, for example, praises Mr. Haig's pacifism, but EXORMISI, his party's official organ, rages against "American imperialism." The government amends the "anti-330" but radio and television advertise whatever it forbids. The result: confusion.

The governing party is obligated to clear things up, to clarify its position, to chart a course, choosing between doctrine and reality. It has the right to prefer one or the other; it does not have the right to continue to oscillate between the two. Because the people have a right to know, The country must know. Whereas, at this moment, not even those governing seem to know themselves where, why and how they are going or want to go.

9247

CSO: 4621/422

DETAILS ON DUTIES OF NEW MUNICIPAL POLICE

Athens ELEVTHEROS KOSMOS in Greek 23 Jun 82 p 5

[Text] By a Presidential Decree signed by the president of the republic, the jurisdictions, duties, rights and obligations of the special service for municipalities and communities (Municipal Police) are defined,

As provided in the Presidential Decree, the jurisdictions of the Municipal Police are:

1. Control over parking of every type of vehicle is extended both to areas where there is controlled parking (with meters) as well as non-controlled areas. The provisions of Article 26, Paragraph 1 of Law 1080/80 and articles 104 and 105 of Law 614/1977 are applicable for exercise of this jurisdiction.
2. For control of construction, the special service personnel are entitled to enter yards, erected buildings and every type of edifice, according to the provisions in force and to inspect the building permits and any related permit.
3. Sewerage control includes obstruction of embanking or building for the natural flow of streams, inspection of waters flowing into the streams and rivers to see that they do not contain sewage from industries, cottage industries, businesses or homes, and inspection for illegal hook-ups of properties to water pipes or pipes with impure or rain water and illegal extensions of such pipes. To perform such inspection, the special service personnel are entitled to enter yards and every type of dwelling, in accordance with the provisions in force.
4. Control of environmental pollution is extended to every source and cause, temporary or permanent, which produces pollution in the natural environment (earth, air, rivers, lakes, oceans, etc.). Furnaces in homes, hotels, shops, hospitals, cottage industries, etc. are subject to inspection.

The way in which organs of this municipal service will exercise their duties is defined as follows:

"To perform its duties, the personnel of the special service are entitled to inspect the transgressor's identification, requesting to see the police identification card or any other documents of proof (passport, driver's license, etc.).

"For violations, aside from those referred to in Article 1, paragraphs 2 and 3 of the present law, a report will be written in two copies which will be deposited at the municipality or community, by the next working day after ascertainment of the violation at the latest.

"The municipality or community will send one copy of the report to the authority which is qualified to exercise criminal prosecution or impose administrative sanctions within five days from registration of the report."

9247

CSO: 4621/422

EDITORIAL CRITICIZES GOVERNMENT ON TURKISH ISSUE

Athens AKROPOLIS in Greek 16 Jun 82 pp 1,9

[Text] We are skeptical about the parallel and synonymous statement of the Greek and Turkish governments in which "is expressed the willingness for improvement in the climate between the two countries and the spirit of goodwill and peace." Not, of course, because we disagree with these aspirations, but because we doubt if the government chose the correct way in which to achieve them.

From the beginning, the provocations came from Ankara. There was never any from our side. So why are we making the same statement as the provokers? In this way we have thrown ourselves into the same lot with them. We have assigned ourselves the responsibilities for the lack of a good climate in Greek-Turkish relations and for the absence of a spirit of goodwill and peace. We think the government should look for some other ways to change the atmosphere of Greek-Turkish relations for the better, ways which will not present us as accessories to the past tension.

Our principal reservation is found elsewhere, however, in the reference by A. Papandreou to the "moratorium" between Greece and Turkey in the Aegean. That is, in the two sides assuming an obligation to avoid any action in the Aegean which could be considered a provocation by the other. Such actions are, for example, explorations for petroleum. Something such as this had been provided in the past by the Bern agreement. Badly. But, in any case, that agreement was clearly ceremonial. Its purpose was limited: to facilitate the start of a Greek-Turkish dialogue, Which never happened. Consequently, it must have been believed that the agreement stopped being valid.

Turkey, however, cited it when, a few weeks ago, the government wished to explore for oil east of Thasos. And, unfortunately, the government retreated. It stopped the explorations and transferred them to the Libyan and Ionian seas. Thus, it recognized the validity of the Bern agreement. Now this recognition is being repeated. And we are afraid that a bad precedent is being created. Because Turkey might at some moment cite it as a recognition of its rights in the Aegean. Also, our refraining from "using" the Aegean increases this danger.

Conclusion: We think that the prime minister should place more capable people at the head of our ministry for foreign affairs. If his party does not have such people, he can use experienced diplomats or other extra-parliamentary personalities. And, more especially, the advisers from our diplomatic corps should be taken advantage of. But in order to be taken advantage of, they would first have to be heard.

9247

CSO: 4621/422

FORMER KKE (INT) OFFICIAL SPEAKS ON INTRA-PARTY FEUDS

Athens TO VIMA in Greek 13 Jun 82 p 7

[Interview with Leonidas Kyrkos, KKE (Int.) leader and Eurodeputy, by Maria Rezan]

[Text] It was known as the party of great propriety. To such an extent in fact that they used to tease its members: "You are the good little boys and girls...." And as for its leader, nobody--at least nobody outside the party--ever spent much time thinking about precisely what rank Leonidas Kyrkos had in the hierarchy and precisely what his title was. For some, he was "the most charismatic leader on the communist Left." For others, "the most accepted Greek personality, after Karamanlis and Andreas."

Until certain rumors began to circulate a few months ago ("Have you heard? They are giving him, Kyrkos, a great fight within his own party"). Rumors which neither the denials nor the reactions of the "ingenuous" managed to dispel ("Kyrkos? But if we did not have him to stir up, via television, all us Greeks during the election campaigns...").

Nevertheless, when at the end of May the time came for the Third Congress, the people--both within and outside the KKE (Int.)--at last saw clearly that the affair was almost at the breaking point. It was said that all this was happening because the time had come for "the generation of Lambrakis followers to take over from the generation of the Resistance." And further that "the idols should be razed at last." And, finally, (because it seems that this too was being said in a whisper) that "nowadays the party has been needing a non-charismatic leader. An anti-leader."

Whatever may have been said (and in what way), what happened next was that at some stage of the congress, Leonidas Kyrkos withdrew his proposal for a joint (the "double") general secretaryship along with Giannis Baniias (and let his election proceed uncontested). But he also refused a position in the new Executive Office of the party (... "those who will be carrying out the policy of the majority must also believe in it absolutely"). That which is called public opinion was bewildered. And a large part of what is called in the party idiom "the rank and file" was disillusioned.

In an exclusive interview which he granted to TO VIMA TIS KYRIAKIS--between his two European trips--which we are publishing today, Eurodeputy Leonidas Kyrkos gives explanations. On each course being taken....

[Question] What is happening, Mr Kyrkos, with your party? And with you?

[Answer] At the congress, disagreements made a very clear appearance. Both as to our prospects and also concerning the things of our recent past. Nevertheless, it was an open congress. With its pluses and its minuses. Which tried, let us say, to give an accurate picture of our party. It gave this picture. We are these people. Just as the congress revealed us to be. Thus when Bambis Drakopoulos retired on his own initiative (this being unprecedented for a communist party, where secretaries general leave either by dying or by being expelled), I proposed a solution of synthesis. A synthesis between the generations--but also between capabilities (because those who are called leaders are not made overnight). My proposal was not accepted. But this does not mean a personal rejection. Nevertheless, what it does mean is the choosing of a certain political conception. And then I said to my comrades: "You made your choice. You will uphold this choice by way of the posts of the Executive Office."

[Question] What precisely is your disagreement?

[Answer] One disagreement, for example, is over what kind of party we want to build. I myself (and I am regarded as a bit tradition-minded) want it to be disciplined, efficient, without self-absorption....

[Question] Give an example of the "self-absorption" of the KKE (Int.).

[Answer] Interminable meetings of an almost theological character and polls (of the type concerning whether God exists or not) on the existence or non-existence of socialism in the Eastern countries. All those things which take the party away from the problems of the common person. When, for example, the events in Poland occurred the party defined its positions and organized its demonstrations. Nevertheless, at the same time there were extremely acute social problems which the party stayed away from. This is what I call self-absorption. Indeed, this leads also to a disorientation.

[Question] Your anti-Leonidas comrades accuse you of committing at least four "mortal" sins: That is, they call you "friendly to the dogmatic KKE," "pro-Soviet," and "pro-PASOK." Finally, they make the charge about you that you were given the 5 percent for the European Parliament by the rightists.

[Answer] Both the other communist party and we say that we are the party of the working class. Who will judge which is right? Only the working class. Therefore I have said that instead of hurling insults, we should talk together in the presence of the working class.

[Question] The other communist party must want this also.

[Answer] It did not want it. Not really. But what other better argument could there be in the presence of the workers than to say to them "comrades, we invite you to an open dialogue, and you take to your heels"? Because I did not propose to go out myself onto the balconies. But I did propose a direction for the entire party. Curiously, this proposal was considered "conciliatory." Perhaps because it was not abusive. Deep down I believe that what we have here is a complex which I myself do not share. A complex which causes one to say: The others are the powerful ones, we are not. So every discussion can be considered "conciliatory."

[Question] From where did your "pro-Soviet" reputation appear?

[Answer] See for yourself. From Cuba to China the socialist world is a reality which cannot be written off. Thus, when it is said that socialism does not exist in this world and that socialism begins with the KKE (Int.), this goes to certain extremes which I would not like to characterize further. One criticizes this socialist world, of course. And one does not accept it as it is. But when one sees the aggression of the imperialists, the aggression of Israel with American imperialism behind it, one cannot have a confusion of battle lines.

[Question] Is there a "confusion of battle lines" in the KKE (Int.)?

[Answer] It was heard at the congress, and indeed from a veteran comrade (Editor's note: Clearly the reference is to Andonis Brillakis) that the Soviet Union is an antirevolutionary force. But the worst thing is that this was not rebutted. On another occasion, it had been heard from the same comrade that the dogmatic communist party is itself an antirevolutionary force. With such word-games--on the white and the black--which are said for the sake of applause from some fringe element, the working class is not being instructed in the truth. Nor is the youth. And thus the KKE (Int.) is shoved aside. I too condemn the interventions of the Soviet Union in Afghanistan and in Czechoslovakia, and its stand on Poland. But....

[Question] Concerning Poland in particular, they are reproaching you for your abstention from the relevant voting in the European Parliament....

[Answer] My speech was a devastating condemnation of the Polish military regime. But when I saw that the resolution against it was being supported by Italian fascists and by German old and neo-Nazis, after I had said what I had to say I rose and left the hall. And this was misunderstood.

[Question] And how about your third "sin," which is your "pro-PASOK" attitude?

[Answer] I belong to the generation which lived through the Greek tragedy of 1936. Thus, I know well that the road to Change is not a simple stroll. Nor an "invitation to a party," as Mao said concerning the Revolution. Furthermore, I know also that every effort will be made to block and sabotage the road to Change. Just as the road of Georgios Papandreou was cut off (even though he was an anticommunist). I believe that our stand towards PASOK should not be an attitude of subversion. Nor a ceaseless sabotaging and complaining. But one of constructive criticism.

[Question] The KKE (Int.) is in disagreement on these things?

[Answer] No. But here and there mistrust is seen. Because of course the attitude of PASOK toward us is unacceptable. (Now, of course, PASOK understands very well that we ourselves are not its target). Mistrust also because PASOK has been riding the high horse. Because PASOK believes that only it can bring about the change. Because it opened its doors and the scoundrels entered its ranks. My own language is perhaps more caustic than the language of others. But the people of PASOK understand that this party does not want to dig their grave. Moreover, I believe that our message (that the future of change depends on the formation of a very broad alliance) will prove accurate. Otherwise we will not have a future.

[Question] Do you yourself believe that the rightists gave you the 5 percent for the European Parliament?

[Answer] Imagine us saying that the Italian communists do not want 35 percent. And that 12 percent is enough for them!!! It is true that I myself have been having a dialogue also with rightist workers. And this has not always been understood within the party. But I will ask you. How large is the oligarchy in this country? And that 35 percent which Rallis won and which deserves to be rid of its anxieties (for which we also are responsible)--to whom do you make a present of these people, this 35 percent?

[Question] You are also imputed to have developed excessively a cult around your personality.

[Answer] I repudiate this (how can I say it better?), I repudiate it with all my being. I know, nevertheless, that an unjustified fear has arisen with many comrades that "an excessive and undue force has gathered around Leonidas."

[Question] Were you distressed much with the last congress?

[Answer] I was distressed because I saw certain negative attitudes. And it pained me when the moment came when they wanted to wipe out the past with four written lines. Along with all the work which we have done. But whoever thinks that I was distressed about a seat is making a terrible mistake. It is not a refusal to contribute that makes me decline to be a member of the Executive Office. Rather, my intention is to ponder the situation.

[Question] That is, today you are saying to the party--"yes--but"?

[Answer] No, to the party I say that we should move forward. Because we have struck deep roots and have sensed new historic currents. And we must make these a reality.

[Question] Nevertheless, you are outside the leadership. And many in the rank and file are disillusioned and are thinking of going home.

[Answer] Well now, nobody has the right to go home. And I myself will pick up my traveling bag again and will wander about Greece again. But meanwhile we, the old-line communists, are being sought after by the group around Mitsos Partsalidis and other veterans who have seen the error of Lebanon and of Varkiza, but who did not speak up and take responsibility for them.

[Question] What error have you not wanted to be burdened with?

[Answer] I feel that difficult times are approaching. And that our party should have a different orientation. A clearer way of speaking. Our leadership should not fear our talking openly about our disagreements. We should return to the authentic Leninist traditions. This great man who was called Lenin governed with great men. And he was not afraid of ideas. Nor of conflicts. I want to speak to the people without cosmetics. (And I say also to PASOK: "You apply a great deal of cosmetics"). And to my own people, I say: "Come, let us make improvements where we have shortcomings."

[Question] In your party, an "anti-authority" frame of mind seems to be gaining ground.

[Answer] In our age, generally speaking a voice of despair which is called anti-authority is increasingly heard. Nevertheless, against what authority? Against large-scale capitalists, yes. Because it will be a sad day if the workers demolish the moral force of their own authority. This authority must remain their own. But a war to abolish authority means anarchy. Which, ultimately, surrenders authority to the Reagans.

[Question] What is your personal philosophy of politics?

[Answer] Politics is not technology. Politics is not only science. It is statesmanship and art. What frightens me are the bureaucrats. (And I am looking also at our own party, why should I not admit it?) These impersonal, sullen people who pass judgment for all. The new disgrace for the political person is to be an individual and citizen at the same time.

[Question] In what way do you believe you have helped and will help the KKE (Int.)?

[Answer] If there was anything to which I wanted to make a contribution, it was to help to open up the parties. We must stop saying "hush...these things are only for us." Rather we should open up everything, and the people should know about it.

[Question] It is rumored that you will be a candidate (of whom, with whom?) for mayor of Athens....

[Answer] No, that is not true.

12114

CSO: 4621/398

EDITORIAL ON PAPANDREOU VISIT TO BULGARIA

Athens ELEVTHEROS KOSMOS in Greek 24 Jun 82 p 1

[Text] Prime Minister A. Papandreou is beginning today his three-day visit to Bulgaria. (The last time we went to Sofia as leader of the official opposition and president of PASOK, after being invited by the "Patriotic Front" which supposedly politically houses inclinations going beyond the Communist Party and the "Agrarian Party.") No one has any objection to the development of good and sincere Greek-Bulgarian relations, based on the principle of equality and non-intervention by one country in the domestic affairs of the other. The fact that Greece belongs to NATO and Bulgaria to the Warsaw Pact is not an impediment to bilateral cooperation. (Despite the fact that the communists here propagandize Greece's exit from NATO, in Bulgaria, where any non-governmental opinion is forbidden, no one thinks about seeking Bulgaria's simultaneous exit from the Warsaw Pact.)

However, if we are cultivating good and realistic interstate relations, then no one is comprehending the significance there could be in the comings and goings of PASOK party cadres to the propagandistic gatherings of the Bulgarian one-party system. A few days ago, A. Khristodoulidis, a member of the PASOK Executive Office--that is, one of its top nine leaders--was present at the birthday events for Dimitrov, the Greek-hater, and spoke highly of him. Then, without taking a breath, the PASOK delegation headed by A. Khristodoulidis attended the ninth Bulgarian "Patriotic Front" congress--where one also identified delegates from the KKE and AKEL, but also Mr. Kyprianou's DIKO [Democratic Party] (That is, whatever is a rule for DIKO, why not also for PASOK?). But all these are not diplomatic but interparty relations--they are party business, according to the habits of PASOK, of our foreign policy. And they are a kind of introduction to ideological confusion from the neighboring communist dictatorship, whose founder openly sought to re-establish Bulgarian occupancy up to the Aegean (ELEVTHEROS KOSMOS article last Sunday, 20 June, with the interview given by Dimitrov as prime minister to Swedish, Bulgarian and Yugoslav newspapers in June and July 1947).

Just a few days ago, President of the Republic K. Karamanlis, speaking to the graduates of the School of Defense, stressed that foreign policy "must never be influenced by sentimental or ideological factors." The government hurried to declare its agreement with the president's reminder.... But there is the question, if the presence of PASOK delegates at the events for Dimitrov and the "Patriotic Front" congress is not influenced by "sentimental and ideological" factors then by what is it influenced? Here is the uncertainty.....

9247

CSO: 4621/414

PUBLIC SERVICE PERSONNEL EVALUATION COMMITTEES ABOLISHED

Athens I KATHIMERINI in Greek 24 Jun 82 p 1

[Article by Th. P. Kassimis]

[Text] All the official evaluation councils, as well as the disciplinary councils, for state or public services and organizations, public services, public welfare institutions, and bank and other anonymous companies controlled by the public have been abolished and replaced by a three-member committee in each agency, whose composition, according to information, was communicated through another "special messenger" on 23 June at noon.

This concerns one other document of Minister to the Prime Minister Ag. Koutsogiorgas which bears the date 17 June 1982 and was communicated through a "special messenger" last Monday, 21 June. In it, abolishment of all the official evaluation councils and disciplinary councils is sought, as well as their replacement by three-member committees, with decrees which have to have been published in the EFIMERIS TIS KYVERNISEOS by today.

Again With A Messenger

It is characteristic that, despite clear statement of the decree that within four days the official evaluation councils and disciplinary councils must have been abolished and the three-member committees formed, there is no reference to what the composition of these "committees" will be, but it is stressed that related instructions will be sent via a "special messenger" who had not arrived at the agencies concerned by yesterday morning!

At the same time, however, the decree stipulates that the time allowance, which ends today, is revocatory, which means that after this there cannot be changes in the above collective organs.

As concerns composition of the three-member committees, it is supposed that these will be made up of the general secretary in each (if it is a ministry) or a corresponding functionary in other agencies, and two members from the administrative or technical personnel entirely chosen by the political leadership.

Unprecedented Act

Public-employee circles called this new action of Koutsogiorgas unprecedented; with this, evaluation of the employees, but also decisions about any errors, are transferred to the exclusive jurisdiction of three governmental and party officers within each service.

According to the minister's decree, the composition of the new councils (committees) will be different--but, in any case, made up of three members--in the following: the ministries of national defense, public order and merchant marine; the Central Intelligence Service (KYP); the Ministry of Foreign Affairs; the decentralized public services (Civil Aviation Service, Postal Savings Bank, etc.); the Supreme Educational Institutes; Athens Academy and clerical NPDD [Legal Entities of Public Law].

The committees to select candidates for enlistment in the Security Corps are not subject to the above regulations.

9247

CSO: 4621/414

PDP EXPECTS TO FORM WINNING ALLIANCE WITH AP

Madrid EL PAIS in Spanish 22 Jul 82 p 11

[Text] Madrid--One of the prime goals of the People's Democratic Party (PDP), a Christian Democratic group headed by Oscar Alzaga and clustered around 20 members of Parliament who "escaped" from UCD [Democratic Center Union], is to form a great conservative coalition that will prevent the Socialists from winning the next general elections. Joining that coalition would be PDP itself, in combined tickets with Manuel Fraga's Popular Alliance [AP] and, following Alzaga's wishes, Antonio Garrigues Walker's Liberal Democratic Party. PDP will hold its first congress on 2-3 October of this year.

In principle, the birth of PDP, which was introduced to the news media yesterday, poses two major problems for UCD and Popular Alliance. For the party in the government because, although the "escapees" have committed themselves in writing, in a letter sent to Landelino Lavilla backing the government and UCD in all the parliamentary votes remaining from now until the end of the legislature, it is not very likely that they will support the "progressive" bills that Landelino Lavilla's "new" UCD will have to submit to the Chamber in order to lend credibility to its image of centrism and its distinction from Fraga's party.

In this connection, Oscar Alzaga stated yesterday that they are used to voting in favor of bills with the content of which they did not agree, and that, in view of this practice, "we shall be able to continue doing so for a few more months, so as to keep our promise to back the government." Nevertheless, Alzaga said that they had carefully analyzed the bills, the discussion of which is slated for when Congress resumes its activities, noting that PDP has reached the conclusion that "there is not one that is major or troublesome," Alzaga continued: "Therefore, we are unwilling to assume that we shall be charged in the future with being destabilizers."

In spite of this, sources very close to the new president plenipotentiary of UCD, Landelino Lavilla, have given assurance to this newspaper that, in order to lend credibility to the "center-center" UCD in which Lavilla believes, the government will have to be revamped with people who are less closely identified with right wing proposals. However, the source of the information added: "This in itself will not suffice. A certain amount of willingness for progress and reform will have to be evinced in Parliament." On this point, there is a direct clash between the interests of UCD and the pledge of PDP.

In Popular Alliance as well, the birth of PDP and its intention of running in elections on the Popular Alliance tickets (regardless of what name is given to the future coalition) have posed problems all of which center upon the battle for the positions to be held in the provincial candidacies. Added to the aforementioned contest between Carro (AP) and Otero (PDP), vying for the number one place in Lugo Province, is Oscar Alzaga's spot, presumably on the Alliance ticket representing Madrid, a ticket which includes many candidates both within and outside of Fraga's party.

Yesterday, Gabriel Camunas, a member of the AP executive body, told this newspaper that the coalition with PDP had caused deepseated uneasiness in the Alliance organizations of Salamanca, Alicante, Castellon, Valencia and Guadalajara Provinces, and that it is quite likely that, as time elapses, the conflict will spread to other provinces whose militants will consider their presence on the lists threatened by the "landing" of Alzaga's people.

Camunas, another one of the many aspirants included for the candidacy representing the Spanish capital, added that the names circulated for inclusion on the Madrid ticket relate to the haste of those concerned. "Nothing can be mentioned until the statutory electoral organs make a statement, and if the candidacy eventually consists of those names (he was referring to Osorio, Emilio Romero, Carro, Herrero and Alzaga), I would prefer not to participate in it."

'UCD Will Disappear'

According to Oscar Alzaga, that great right wing coalition or PSOE [Spanish Socialist Workers Party] will have to be the winners of the next elections. He predicts very bleak prospects for PCE [Spanish Communist Party], and did not even mention the "hinges."

He augured for UCD simply disappearance, noting that it had played its role in the transition, but that, since it is going to have a "monumental defeat" in the next elections, "it is even less likely to win the municipal elections, because it will have neither the Ministry of Interior nor the civil governors at its disposal."

He commented: "The European democratic reality requires a new shaping of the political map, on which UCD no longer makes sense." He also described the UCD of 1977 as "a facade of parties without bases, with three local offices open throughout all of Spain," and as "an image of a party coalition, not a real coalition based on mutual respect."

Finally, Oscar Alzaga who, during his stay in UCD, had often privately criticized the Francoist origin and its collaboration with the former regime of the blues and of Adolfo Suarez, now detracts importance from the matter, when his political plans are common to a party such as Popular Alliance, whose members have for the most part collaborated with Francoism, beginning with Fraga himself. He said: "There are some very good persons in PSOE who collaborated with Francoism, far more than people think, and I don't consider it a good approach to judge people by their past."

2909

CSO: 3110/181

PANEL STUDIES FUNCTION OF CONSTITUTIONAL COURT

Istanbul TERCUMAN in Turkish 5 Jun 82 pp 13-14

[Panel discussion organized by TERCUMAN; attended by Professor Ismet Giritli, Assistant Professor Bakir Caglar and Celal Yardimci; moderated by Taylan Sorgun]

[Text] The Participants:

Professor Ismet Giritli was born in Crimea in 1924. He is a graduate of the Kabatas Men's Lycée and the University of Istanbul. He joined the faculty of the University of Istanbul in 1950 and became an assistant professor in 1957 and a full professor in 1964. He served as a member of the Istanbul Constitutional Commission which prepared the 1961 constitution. He served as the Chairman of the Regulations Commission of Founding Council in 1960. Between 1964 and 1968, he served as a member and chairman of the Executive Council of the Turkish Radio and Television Administration. Between 1954 and 1962, he served on the Chairmanship Council of the Turkish National Youth Organization. In 1976, he was elected to the International Academy of Law in Mexico. Currently, Giritli teaches at the Istanbul School of Law, the Naval Academy and the Higher Maritime School. Several of Giritli's works have been published

Assistant Professor Bakir Caglar was born in Istanbul in 1941. He is a graduate of the Saint Joseph Lycée and the Faculty of Law of the University of Istanbul. He completed his doctorate at the Sorbonne University. He became an assistant professor in 1981. He has been involved in several research projects in and outside Turkey. Currently, Caglar is an instructor in constitutional law at the University of Istanbul, the Faculty of Political Sciences and the Naval Academy.

Celal Yardimci was born in Dogu Beyazit in 1911. He graduated from the Faculty of Law of the University of Istanbul in 1932. He entered the practice of law in 1934. In 1950, he was elected to the National Assembly as a Democratic Party deputy from Agri. In 1951, he served as the Deputy President of the National Assembly. Between 1952 and 1960, he served in various government positions as Minister of State, Deputy Prime Minister, Minister of National Education and Minister of Justice. In 1977, he was again elected to the National Assembly as a Justice Party deputy from Istanbul. Currently, Yardimci is a writer. Yardimci is married, has a son and a daughter and speaks two foreign languages.

Taylan Sorgun: As the new constitution takes shape, public debate continues over the issue of a constitutional court which will be one of the fundamental institutions of the new constitution. One of the primary issues that is frequently discussed in these extensive debates involves the composition and the politicization of the constitutional court. Another aspect of the debate involves the prospective authority and functions of the court. Today, decisions taken by higher judicial organs in Western countries with modern constitutions are objects of domestic as well as international attention. During this panel discussion, we will, in general, discuss the issue of the composition of a constitutional court and related problems. First, I invite the Honorable Giritli to express his views.

Ismet Giritli: As is known, the issue of the constitutional court, or to be more precise, the issue of "judicial control over the legislative branch" is taken up and defined in the 1961 Constitution in the form of eight articles. How was this point reached? As is known, Article 103 of the 1924 Constitution contained a clause to the effect that no law could violate the provisions of the constitution. But this was a "Platonic" article in the sense that it could not be enforced. Consequently, despite this article, laws violating the provisions of the 1924 Constitution were passed under every government during the 27-year period the said constitution was in effect. During one-party periods, the fact that some laws violated the constitution caused no problems because "one party meant everything." After we made a transition to a multiparty system, laws that violated the constitution or were alleged to be violating the constitution sometimes caused big problems for the public. Since 1924, modern constitutions have taken big strides on the issue of judicial control over the legislature, and today all modern, democratic and liberal constitutions incorporate a constitutional court. Consequently, the draft constitution prepared by the Founding Assembly after 27 May [1960] made provision for a constitutional court. In fact, the main opposition party of the 1950-1960 period articulated the need for a constitutional court and promised that it would institute a constitutional court as soon as it came to power. Since the Republican People's Party dominated the Founding Assembly, it was very easy to write this provision into law. But, as I said, provisions made by modern and liberal democracies on this issue were along the same lines, so that the environment was suitable. There were also complaints. The constitutional court was conceived as an institution that would act as a "magic panacea," so to speak, to end these complaints.

What form should a constitutional court take in the new constitution? I have said it before, but I will say it again. I do not believe that faults can be found in constitutions. I believe that both the 1924 and the 1961 constitutions were no-fault documents. But, since we arrived at the situation of 26 May 1960 while the 1924 Constitution was in effect, changing the constitution was inevitable. Similarly, the implementation of the 1961 Constitution has led to the nightmare that existed on 11 September 1980, and, therefore, the 1961 Constitution must be changed from a standpoint of both institutions and system. Meanwhile, the Constitutional Court has taken a number of faulty decisions which we cannot approve. But one cannot ask for the complete abolition of a constitutional institution on the basis of a few isolated decisions. The Constitutional Court has taken some proper as well as improper decisions. In my opinion, the Constitutional Court has been politicized. The reason for this politicization is that our constitution

does not contain a clause, say, similar to Article 135 of the 1948 Italian Constitution. Other constitutions stipulate that judges serve for a minimum amount of time. For example, in Italy, a judge must serve for at least 12 years. Such a system has an important effect on the appointment of judges to the constitutional court. Our constitution specifies 65 as the retirement age, but says nothing about length of service. As a result, many judges have been appointed to the Constitutional Court at the age of 60 to 62 and have retired after a few years of service. As a consequence of that, around 70 judges have served on the Constitutional Court between 1961, when the last constitution went into effect, and 1980. This is something that has not been seen anywhere else in the world. A judge who is appointed at age 63 and who knows he will retire at age 65 cannot be expected to be independent and impartial in the sense that the Constitution stipulates. This is one of the reasons behind the politicization of the Constitutional Court.

Meanwhile, certain objections can be leveled in connection with the functions of the constitutional court. In the new constitution, judicial control over the legislative organ must continue. But this "judicial control" must rest with a "constitutional council" similar to the one incorporated in the current French Constitution, which went into effect on 4 September 1958 and which is known as the "De Gaulle Constitution." That would be a more correct implementation. As is known, the French Constitution provides for a nine-member Constitutional Council. These members serve 9-year terms. Former presidents of the republic automatically become life members of the Council. The Constitutional Council oversees the organization of the referendums and elections held in the country and the constitutionality of internal regulations and laws enacted by the legislative organs.

In the past, I maintained that the 1958 French Constitution should serve as a model for our 1961 Constitution. Now, I am proposing the same thing for the new constitution. That is why I think that a constitutional council--a part of the French system--will be more beneficial than a constitutional court, and that is why I am proposing that all members of such a council be appointed by the president. However, as far as I know, the Consultative Assembly does not agree with my views. Even if members to such a council are nominated by other branches of government, the president must make all final appointments. The fact that the 15 judges on the last constitutional court were appointed by different government organs hurt considerably the unity of the court and cooperation among its members. As a result, certain political factions and forces were able to have disproportionate influence over the Constitutional Court. Having a single appointing authority, even if nominations are made by different organs, will insure the homogeneity of the constitutional council.

Taylan Sorgun: Honorable Caglar, the Honorable Girit stated that judicial control is considered to be one of the essential elements of modern constitutions, that our Constitutional Court has been politicized as a result of the manner in which it is constituted and that the main factors in this phenomenon are the appointment of the judges by various organs of government and the issue of age and service terms. He also said: "It would be beneficial to have a constitutional council similar to the one incorporated in the 1958 French Constitution, known as the 'De Gaulle Constitution.'" Now, I would like to have your general views on this

issue as well as any critical remarks you may have against views just expressed.

Bakir Caglar: Let me first respond to your question in a general framework, which is as follows: As the Honorable Giritli pointed out, constitutional structures have been in a process of expansion particularly since the end of World War II. In fact, one can say that the establishment of constitutional judicial systems is one of the most important events in constitutional development in the post-World War II period. The development process of the constitutional judicial system has produced an American model, a European model as well as a host of other formulas falling between these two general models. One of these formulas is the French Constitutional Council, as pointed out by the Honorable Girit. There are also other formulas. Particularly among Mediterranean democracies, there are a number of different formulas. One of these formulas is the 1978 Spanish Constitution which was largely based on the Latin American model and the French Constitutional Council formula. Other examples are the 1976 Portuguese Constitution, which brought radical novelties, and the 1975 Greek Constitution, which provided for a supreme court. Here, let me make a few parenthetical remarks. After World War I, there were some limited implementations whose effects remain until today. Two such implementations were the Austrian experiment in 1920 and the Spanish experiment in 1931. I would like to emphasize the Austrian experiment in particular because that experiment has been very influential in the formulation of a constitutional judiciary in the European model in general and the establishment of the FRG Constitutional Court in particular. The influence of the 1931 Spanish experiment can be seen in the current Spanish Constitution. I said these for the following reason: Past experiments, even if limited in nature, play important roles in the evolution of constitutional courts.

Today, whenever the issue of constitutional judiciary is discussed, the European model comes to mind. However, we also have the American model. In fact, after 1946, the American constitutional judiciary model was endorsed in Japan, which has a very different legal system. In Japan, the American model has been particularly influential after 1973. This model has also influenced the legal systems of Norway, Denmark and Sweden.

As for the European model, it is, perhaps, first necessary to differentiate between two basic types within that model. The first of these incorporates constitutional courts which function within a "protective democracy" model. A good example of this type is the West German Constitution. In fact, the 1961 Constitution has taken this type as its basis and has set up the Constitutional Court within a protective framework. One characteristic of this basic type is that constitutional courts are entrusted with the function of overseeing the constitutionality of political parties as well as laws enacted by the legislature, although the former function is based on a different design and mentality. The second basic type incorporates constitutional courts in open democracies. The Italian Constitutional Court is a typical example of this type.

I think that we must be more careful in discussing the French system. Is it possible to call the current French Constitutional Council "the De Gaulle Council"? In my opinion, there is a big difference between the French Constitutional Council set up by the 1958 Constitution and the French Constitutional Council of 1982.

This council was designed in a certain way in 1958, but has undergone significant changes since then. There were two important turning points in this general trend of radical change. One of them was the Council's 1971 decision which underlined the protection of basic rights and freedoms in the oversight of the constitutionality of laws and which thus embarked the Council on an unexpected path. This function was considerably different from the original mission of the Council. The Constitutional Council took this function upon itself on the basis of the preamble of the French Constitution. The preamble of the 1958 French Constitution has a very curious characteristic: It makes references to the 1789 Declaration of Human Rights and the preamble of the 1946 Constitution, but fails to achieve a synthesis between these two historic milestones. Consequently, the Constitutional Council is left with ample leeway to interpret the Constitution. Using these broad interpretive powers, the Council has selected a number of principles to use as yardsticks in determining the constitutionality of laws and has become a very effective constitutional watchdog. Even if only this change is taken into account, I find it objectionable to call the current French Constitutional Council "the De Gaulle Council."

The second turning point in the trend of change came with the constitutional amendment of 1974. This amendment meant the broadening of rights of appeal to the Constitutional Council. With the 1974 amendment, 60 deputies and 60 senators won the right to make a direct recourse to the French Constitutional Council. The number of appeals made by deputies and senators to the Constitutional Council remains very high until today. If we combine the two developments, we see that the broad powers given in theory to the Constitutional Council to oversee the constitutionality of laws can now be put into practice thanks to the constitutional amendment. The French opposition has now the means to make a recourse to the Constitutional Council and to maintain a check on the government within the framework of the approach the Council endorsed after 1971. A typical example of this is the recent nationalization legislature. Following appeals by the opposition, the French Constitutional Council declared as unconstitutional the nationalization law and its payments clause, in particular, on grounds that it violated Article 17 of the 1789 Declaration of Human Rights, which the Council considers part of the current French Constitution.

The French Constitutional Council, which has broad powers of using constitutional principles since 1789 to determine the constitutionality of current laws, is no longer De Gaulle's Constitutional Council. This is the first point I wanted to make. The second point I want to talk about is one in which I agree with the Honorable Giritli. Here, I would like to refer to some numbers. Around 55 to 56 percent of all Turkish Constitutional Court judges have had terms of service of between 30 and 40 years. Moreover, 70.22 percent of all Constitutional Court judges have been in 61-65 age group. Consequently, the average term of service of Constitutional Court judges is around 5 years and 7 months. This length of time is very low compared to the average terms of service observed in other constitutional courts, which find 9 years as an acceptable average term of service. In fact, when the length of service of the judges to serve on the French Constitutional Council was being debated, Debre proposed that judges must serve a minimum of 9 years to be effective. In Turkey's case this length of time is as limited as 5 years and 7 months. Furthermore, the position of the President of the Constitutional Court, which has an important role, has changed hands every

32 months. This is another factor of instability.

Can the politicization of the Constitutional Court be linked to the manner of appointments and the average length of service alone? I doubt that. Today, the phenomenon of politicization in general affects all constitutional courts. All constitutional courts, from the FRG Constitutional Court to the French Constitutional Council have a politicization problem. In fact, the majority party in France accused the French Constitutional Council of politicization after that body struck down the nationalization law. The FRG Constitutional Court, on the other hand, is using principles that are above the Constitution to determine the constitutionality of laws. The power of selecting constitutional rules by which the legislature must abide means, at some point, the politicization of the Court. Consequently, the trend of politicization is ingrained in the character of constitutional courts. This is, perhaps, a result of the functions they have been entrusted with. Are these courts politicized because "they have a certain authority," or because of the "functions they have been entrusted with"? I think that this question must be restated and its answers must be reconsidered.

Taylan Sorgun: Honorable Caglar, the Honorable Giritli must have an opportunity to respond. However, I would first like to ask a question. You said that after the right of appeal to the French Constitutional Council was broadened, parliamentary groups with 60 members acquired the right to make a recourse to the Council. Would not the broadening of the right of appeal produce situations of conflict with the judiciary?

Bakir Caglar: Appeals by members of parliament to constitutional courts is today generally accepted by the European constitutional judiciary system. In this general case, if we look at the FRG, for example, we see that members of parliament have made only six recourses to the Constitutional Court over a period of 30 years. In Austria, members of parliament have had the right to appeal to the Constitutional Court for 5 years now, but there have been no appeals so far. It is hard to cite figures for Spain since their constitution is very new. In France, this tool has been used a total of 60 times since its inception in 1974. Why has this happened? We must not forget that relations between the opposition and the government in the FRG have developed with a different framework of mentality than those of France. In the FRG, a law is enacted after a fundamental compromise is reached between the opposition and the government. It is clear, however, that this high number of appeals to the Constitutional Council in France has not produced a stalemate in the French assembly.

Taylan Sorgun: I have another question, for which I want a brief answer. Is there a need to make changes in the manner of appointment of Constitutional Court judges in Turkey?

Bakir Caglar: I do not think that the structure of a constitutional court is important from a standpoint of the functions it has been entrusted with within a political constitutional system. If provisions are made to insure that judges are independent and that they serve for a sufficient period of time, the structure of the court is not very important. In my opinion, what is important is their communication with the system in which they take part.

Taylan Sorgun: Is the independence of our Constitutional Court judges guaranteed?

Bakir Caglar: Yes.

Taylan Sorgun: Thank you. Honorable Giritli, now you can respond.

Ismet Giritli: I will briefly dwell on two points. First of all, I did not say "De Gaulle Council" in my previous reply. I said "De Gaulle Constitution." The "De Gaulle Council" and the "De Gaulle Constitution" are two different things. I used the term "De Gaulle Constitution" because that is what the 1958 French Constitution has been called. Then I talked about the Constitutional Council which was incorporated in the 1958 Constitution. On the other hand, the decision of the French Constitutional Council in 1981 [to strike down the nationalization law] on the basis of Article 17 of the 1789 Declaration of Human Rights is, in my opinion, entirely compatible with De Gaulle's philosophy. Because, as the Honorable Caglar will agree, the preamble of the 1958 French Constitution refers to both the 1789 Declaration of Human Rights and the Declaration of Human Rights of the 1946 Constitution. The 1958 Constitution does not contain a specific section on human rights, but the philosophy of the De Gaulle Constitution embodies the liberal spirit of the 1789 Declaration of Human Rights. So that there has been no considerable change in that respect. And even if we have objections to certain developments related to the French Constitutional Council, the said Council can still be taken as a model in the preparation of the new constitution by making provisions in the Founding Law to preclude those objectionable developments. As for the issue of politicization, if a judge is appointed as a member or president of the Constitutional Court at age 63 and if this person knows that he will retire at age 65, it is impossible that he will not be politicized or that he will not be influenced by certain political circles.

Taylan Sorgun: The Honorable Caglar said that the politicization of constitutional courts is a general phenomenon and that this is a natural consequence of the functions "they have taken upon themselves."

Bakir Caglar: That is correct.

Taylan Sorgun: Honorable Giritli, could you give us your views on that?

Ismet Giritli: In the final analysis that is a political opinion. But I would like to say this: If a certain parliamentary majority has the power to appoint a person to a high official position for a period of time as short as one or two years, then such parliamentary majorities will have strong political influences over the constitutional court.

Taylan Sorgun: Honorable Caglar, you said that the politicization of constitutional courts is in their character. So, will this politicization result in their partiality over basic issues?

Bakir Caglar: Before I answer that question, I would like to make a clarification. I think that what I said before was misunderstood. A while ago, I talked about a trend of change in the French Constitutional Council. In describing that change,

my intention was stating the facts rather than passing a judgement. The original mission of the French Constitutional Council was as follows: The 1958 Constitution brought about a new distribution of powers between the executive and legislative branches of government. The Constitutional Council was intended to preserve this power distribution and to prevent the legislative branch from regaining some of its lost power. This was very much in line with the ideas of De Gaulle, so I called it the "De Gaulle Council." The changes stem from the following point: Article 61 of the 1958 French Constitution refers to "oversight of constitutionality." The French Constitutional Council has interpreted this as compatibility of laws with the Constitution and the preamble to the Constitution. However, the authors of the Constitution have always maintained that the preamble should have no positive constitutional functions.

Coming back to your question, the politicization of constitutional courts is the result of the functions they have taken upon themselves rather than their structure. This situation has certain drawbacks. The phenomenon of politicization assumes critical proportions if it conflicts with the general inclinations of the political majority, if it creates problems rather than solve them and if it creates insurmountable crises for the system. But I do not think politicization, which is ingrained in the mentality of the judicial system, is a threat to the system as long as it does not conflict with the will of the political majority and it does not create crises.

Taylan Sorgun: Honorable Giritli...

Ismet Giritli: I would like to say this: One of the important characteristics of the 1958 French Constitution is that it does not have a special section on human rights. To compensate for that, it has a short preamble which makes general references to the 1789 Declaration of Human Rights and the 1946 Constitution. No matter what the goals of the authors of the 1958 Constitution were, if the Constitutional Council cannot have judiciary oversight over human rights issues, a big and dangerous vacuum will be created. Consequently, the fact that the Council has curbed [French President François] Mitterand's extreme nationalization efforts is compatible with the Council's *raison d'être*.

Taylan Sorgun: Honorable Yardimci, you worked in the practical field. Since we have been discussing the constitutions of other countries, what are your views regarding the structure and functions of constitutional courts in general?

Celal Yardimci: As a practitioner, I can say that both extreme independence and extreme control are objectionable. The executive branch is checked by the judiciary as well as the legislature. The legislature is checked by the senate, which, in turn, is checked by the constitutional court. I have learned that all these checks obstruct the institutions from performing their functions and achieving results.

The main consideration in providing for a constitutional court in a constitution is the prevention of the enactment of unconstitutional laws. This has been the idea until the days before the 12 September 1980 operation.

During the one-party and multiparty periods of the time when the 1924 Constitution was in effect, the general view was that unconstitutional laws were being enacted

and there was nothing to stop that. Consequently, a need existed to establish a constitutional court.

After 12 September 1980, a new consideration was added to this idea: The Constitution must be such that Turkey will never return to 11 September 1980.

The Honorable Giritli and the Honorable Caglar gave examples from the constitutions of other countries. Both the Honorable Giritli and the Honorable Caglar are academicians who teach constitutional law. As I stated before, my background is in the practical field. In my opinion, the new constitution to be drawn up must be compatible with Turkey's conditions. What are Turkey's conditions? The events before and after Turkey's transition from a one-party system to a multiparty system are full of examples indicating what those conditions are. If we list the basic reasons behind the political events that have occurred between the beginning of the one-party period and 11 September 1980, we will see what Turkey's conditions are. Now the structure of the constitutional court is being debated. In talking about Turkey's conditions, it is appropriate to mention the case of an amnesty declared in the past by the Constitutional Court. As I noted before, a constitutional court is a bulwark against the enactment of unconstitutional laws. However, the Constitutional Court itself has sometimes authored laws which can be considered to be unconstitutional. The amnesty law is an example of that. Instead of returning this unconstitutional law to the Assembly for amendment, the Constitutional Court changed some of its clauses and enacted it as a new law. A constitutional court has no power to enact a law. Here I would like to touch upon the issue of politicization. As the late Ibnul Mahmut Kemal Bey stated, "the problem is not with the laws, but with the men who implement the laws." No matter how good your laws are, if you do not have the people to properly implement them, your laws are going to serve no purpose. During the time I was practicing law, I found out during one of my studies that in Britain, people who will serve in the judiciary branch are first specially trained, then put through a period when they practice law and then they are appointed as judges. These judges are given broad powers and they cannot be dismissed. In Turkey, on the other hand, after the 1961 Constitution went into effect, the people appointed to the Constitutional Court were already politicized for personal reasons irrespective of the manner in which they were appointed. Very serious measures must be taken to prevent the politicization of the Constitutional Court and the people to be appointed to the court must be trained in such a way and must be given such powers that they will not be politicized. Although judicial discretion in the implementation of laws is an important consideration, the Constitutional Court must not be compared with other courts. Judges serving on the Constitutional Court must have no right of judicial discretion. The Constitutional Court must achieve results through open and explicit decisions and under no circumstances must the Court be given powers which may amount to lawmaking.

Taylan Sorgun: Honorable Yardimci, you said that judiciary oversight is basically necessary, that these oversight powers must be clearly specified and that judges serving on the Constitutional Court must not have the right of judiciary discretion. Honorable Caglar, what are your views on this issue?

Bakir Caglar: To understand the issue better, a clarification is necessary regarding the politicization of the judiciary. If politicization means the

conflict of judiciary decisions with the general political will, then that is one type of politicization. If it means the judiciary's use of principles above the constitution in making decisions, then that is a different type of politicization. Let me give an example. Generally, political and constitutional renewals and radical political developments create environments which are conducive to the establishment of constitutional courts. But such constitutional courts are like black boxes which remind people of the crises the system has experienced. If we study the FRG Constitutional Court closely, we see that many of its decisions are clearly linked with its reaction to the Weimar Republic period. The said court has a well-known decision regarding the handicap system in elections. Whereas the FRG Constitutional Court found the handicap system compatible with the Bonn Constitution, the Turkish Constitutional Court ruled that it does not conform with the principles of the 1961 Constitution. This was the majority view of the Court. If, however, we read the dissenting views in this case, we find that these views were reached without making references to the decision of the FRG Constitutional Court. Where does this difference come from? The FRG Constitutional Court made its decision because it remembered the Weimar period. In deciding that the handicap system is constitutional and thus establishing the concept of a governable democracy, the German court was remembering the past. Would the Turkish Constitutional Court rule differently on the same case if it could draw on a similar experience in the past? Can these two dissimilar approaches be described as a phenomenon of politicization? Let me give another example. The FRG Constitutional Court took another decision on 25 January 1975. The ruling said: "The Bonn Constitution is based on principles which can only be explained in terms of historical experience and opposition to the National Socialist system. The Constitution has established a hierarchy of values which shape the entire legal system of the country. The lawmaker is not free to act against these values and changes in value judgement of the people cannot influence the existing system." Does this evaluation mean the politicization of the FRG Constitutional Court?

Taylan Sorgun: What do you think?

Bakir Caglar: The answer is not so easy, so that I would rather leave it as an open question. I can say this, however: It is hard to make general conclusions about the politicization of constitutional courts. Any assessment of that kind must be made within the context of the system in which these courts function. If constitutional courts assume lawmaking functions, that is something that calls for criticism. Politicization in that sense must not be permitted.

Taylan Sorgun: Honorable Yardimci, the Honorable Caglar brought up the issue of reaction. What are your views regarding the factor of reaction?

Celal Yardimci: The 1961 Constitution is a good example of reactive constitutions. The 1961 Constitution is a reaction against the political system and, in particular, the Democratic Party government preceding it. This constitution was drafted with no regard as to whether it would be suitable for Turkey's structure. Since constitutions remember the past, they must benefit from it while making provisions to prevent the misfortunes of the past and any damage that might be caused to the structure of the country. Politicization is not in the institution, but among the individuals. The phenomenon is sometimes isolated and sometimes widespread. It is the sympathy of one or more individuals toward one or the other

party that is politicizing the institution.

Taylan Sorgun: The Honorable Giritli said that "the manner of appointments to the Constitutional Court is causing politicization." You linked this issue to the individuals and underlined limits on authority. What are your views regarding the proliferation of appeals made to the Constitutional Court?

Celal Yardimci: Let me first note that the politicization of an individual is also related to the manner in which he is appointed to an official position. As for the issue of broadening rights of appeal, that may have a negative effect on a constitution. Political parties, the president, constitutional institutions and courts have rights of appeal to the constitutional court. Not all such appeals stem from the enactment of unconstitutional laws. Some of the individuals, institutions and organizations who resort to such appeals have certain political motives in mind.

Ismet Giritli: I would like to dwell on some of these points. On the first one, I generally agree with the Honorable Yardimci. He said: "It is necessary to find a constitutional model which will fit Turkey's conditions." That is true. Every country has its own social and political conditions and historical experiences. A constitution cannot be drafted without taking these facts into account. However, constitutional law and political sciences stipulate certain models. If Turkey will endorse a liberal democratic system, it must draw on one of these general models. As the Honorable Yardimci stated, we know that Turkey has had the experiences of 27 May [1960], 12 March [1970] and 12 September [1980] and that it has lived and will live under the threat of international terrorism. These must be taken into account. But that must be done within the framework of a liberal constitutional model.

The Honorable Caglar talked about the 1978 Spanish Constitution, which is the youngest and most modern constitution among liberal democracies. Spain has lived under the dictatorship of Franco, and after his demise, it has been the target of military coup attempts. The country is also threatened by Basque separatism and its international terrorism arm, ETA. Consequently, the Spanish Constitution contains clauses whereby it is possible to declare states of emergency, to suspend freedoms in normal times without declaring martial law in order to fight terrorist gangs and to implement something akin to a new regime. If these are what the Honorable Yardimci was referring to, then I think they should be included in the new constitution. But, perhaps, I misunderstood him. In talking about the 1958 French constitutional model, I meant the following: The 1946 French Constitution produced the crisis of 13 May 1958 in France and created an environment of civil war. The Algerian incidents swept General De Gaulle to power. Then a constitution, inspired by De Gaulle, was drafted. This document is now alternately called the De Gaulle Constitution or the 1958 French Constitution. Since we had the experience of 12 September [1980] and since that operation was carried out by Gen Kenan Evren, there are certain similarities between France in 1958 and Turkey in 1980. Consequently, the new constitution must give broader powers to the president. I also think that the Constitutional Court must be replaced by a constitutional council again on the basis of the model of the 1958 French Constitution.

There is another point I would like to discuss, and, I think, here, too, I am in agreement with the Honorable Yardimci. I tried to explain that the 1924 Constitution must not be blamed for 27 May 1960 and that the 1961 Constitution must not be blamed for 12 September 1980. I tried to explain that constitutions are generally innocent. The Honorable Yardimci quoted a famous saying from Ibnul Emin Mahmut Kemal Bey: "The problem is not with the laws, but with the men who implement the laws." Let me state that I fully agree with this saying because it epitomizes the issue so well. It is wrong to say that "27 May would not happen if we did not have this clause in the 1924 Constitution," or that "we would not reach 11 September 1980 if we did not have that clause in the 1961 Constitution." These are childish and very theoretical views. They are well-meaning, but very amateurish.

The functions and powers of the constitutional court must be explicit. Though, we must not forget that a constitutional court or a constitutional council will also have an interpretative aspect. In other words, no matter how explicitly the functions and the powers of a constitutional court are specified, this organ will always have an interpretative nature. And that, in my opinion, gives a certain flexibility to the constitution so that it can keep pace with real life. The 1787 U.S. Constitution, the first written constitution of the world, has gone through a number of changes since its inception, but it is still in force today. The interpretative function of the U.S. Supreme Court, the personalities of the judges who have served and serve on that court and the presidents who have appointed those judges to those positions have played an important role in the fact that the original U.S. Constitution is still in force today. The U.S. constitutional system has thus become the longest-living and the least crisis-ridden system in the world. For example, Judge Marshall was appointed to the Supreme Court in 1803 and served for 32 years until 1835. There are other such examples. If we look at the history of the U.S. Supreme Court, we see that only 14 to 15 judges have been appointed to the court over a period of 15 years. Within the same period of time, Turkey has had almost 70 judges on its Constitutional Court.

Celal Yardimci: Let me clarify one point. I did not propose that the constitutions of other countries be disregarded or that no use be made of them. What I meant was that Turkey must draft a constitution to fit its own conditions just as other nations have, at different stages of their histories, formulated constitutions to suit their own structures. In saying that, I did not mean that we must distance ourselves from the constitutions and the contemporary ideas of other nations. We must use them as points of inspiration, but we must draft a constitution which will fit Turkey's conditions.

The interpretative nature of a constitutional court is acceptable. But our Civil Code says: "The judge decides on the cases before him on the basis of the law. If the law is not explicit on a particular case, the judge rules as he would if he were a legislator." This situation enormously expands the judge's discretionary powers. I agree with the Honorable Girit on vesting interpretative powers in the constitutional court. However, if, in using these powers, the court exercises "excessive discretion" over the rights and powers vested in it by the constitution, then we will have a worrisome situation.

Taylan Sorgun: What are your views regarding the extent of the right of appeal to a constitutional court?

Bakir Caglar: In my opinion, a broad appeals mechanism must be established, but this mechanism must be such that it will not incapacitate the constitutional court from performing its function. This seemingly hard compromise has been achieved by the FRG Constitutional Court. I think that the stance of the FRG Constitutional Court has been very effective on this issue.

Taylan Sorgun: What are your views regarding the selection of the constitutional court judges by the president?

Bakir Caglar: Their selection or their appointment?

Ismet Giritli: Their appointment...

Bakir Caglar: I agree with their appointment [by the president]. If we consider the Spanish constitutional model, the King has the power of appointment, but the King makes his appointments from a list of persons nominated by other organs.

Let me return to another point. A little while ago, the Honorable Giritli touched upon an important point: The issue of crisis. Constitutional courts do not have structures strong enough to withstand major crises. There are many examples of this in history. The Honorable Giritli cited the U.S. Supreme Court as an example. This court has generally handled most issues in a most positive manner. However, a decision this court made at a time when the United States faced a very major crisis is today considered one of the leading factors that started the American Civil War. Furthermore, during the time of the Great Depression, the U.S. Supreme Court took a series of decisions which would not be considered proper today. The point I am trying to make is that in evaluating constitutional courts, we must not forget that these institutions cannot withstand major crises, and we must understand that some of the functional shortcomings observed in constitutional courts are related to the crisis conditions they are in.

Celal Yardimci: I tried to explain what the basic function of a constitutional court should be. Their basic function must be to determine the constitutionality of laws. That being the case, any recourse made to the court must involve the unconstitutionality of a law. Therefore, it would be very wrong to expand the rights of appeal to the court. Such rights must be restricted to the lawmakers, that is to the political parties.

As for the manner of appointments to the court, I agree with the professors on presidential appointments. Here the president will have great responsibilities and will need to debate and think about the issue extensively.

Ismet Giritli: Constitutional courts cannot resolve crises, but they can, in my opinion, prevent crises. We cannot disregard thousands of positive decisions by the U.S. Supreme Court over a period of 200 years. A few isolated decisions and interpretations are not sufficient to tarnish the excellent record of this court. As a whole, the U.S. Supreme Court has been very successful. For example,

during the 1930's, the U.S. Supreme Court took decisions which caused stormy reaction in the country and which can be considered to be advocating a welfare state. But it was these decisions that made possible the transition of the United States from the free economy advocated by Adam Smith's economic Bible, "The Wealth of Nations," to Keynes' interventionist welfare state. That was an important transition. It was the decisions of the Supreme Court that made this transition possible despite the reaction they caused.

Bakir Caglar: I guess I was not very clear in expressing myself. What I wanted to say was that one of the basic functions of constitutional courts is resolving crises. As you pointed out, the U.S. Supreme Court has, from the outset, functioned as a crisis-solving institution. However, when these crises reach a certain level of severity, constitutional courts are unable to deal with them. A constitutional court may resolve crises, but there is nothing it can do if a crisis assumes major proportions. Otherwise, I agree with your views.

Taylan Sorgun: Honorable Giritli, what are your views regarding the broadening of rights of appeal?

Ismet Giritli: I do not think that would be beneficial. Contemporary principles of government law stipulate that all government organs must be subject to judicial oversight. Therefore, the legislative branch must also be subject to judicial oversight. The goal here is to prevent the legislative organ from enacting unconstitutional laws and procedures and to penalize it if it has indeed done so. Spreading this function to an enormous base will hurt the integrity and effectiveness of the government.

Taylan Sorgun: In this panel discussion, one view was the replacement of the Constitutional Court with a constitutional council. There was also debate about the politicization of constitutional courts and about whether that was caused by the manner of appointments to these courts. There were two views on this issue. One view maintained that politicization is caused by the manner of appointments and the other claimed that politicization is built into the character of a constitutional court. One common view was that politicization is wrong under certain conditions. Another view maintained that the problem is not with the "institution," but with the "individuals" involved in the institution and that this was also linked with the manner of appointments. There were two differing views regarding the broadening of rights of appeal to constitutional courts. One view maintained that such rights must be broad-based, but that appeals must first be screened, while the other view stated that the right of appeal must be restricted to lawmakers only.

9588

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KASTELLI EXTRADITION LIKENED TO TANGLE OVER TERRORISTS

Istanbul CUMHURIYET in Turkish 27 Jun 82 pp 1, 11

["Observation" column by Ugur Mumcu: "How Can It Happen?"]

[Text] Some things seem to be beyond human reason. For example, it is hard to comprehend that the arrest warrant sent by the Ministry of Justice to some countries in connection with Cevher Ozden [the owner of Banker Kastelli] has been returned to Turkey on grounds that "it does not meet international standards." How can this happen?

"International standards" on this issue are probably well-specified. Should not our Minister of Justice be at least slightly worried about the fact that the arrest warrant sent does not meet these basic standards?

We believe that there are problems in communications concerning individuals who have committed a crime in Turkey and have fled abroad. Since we have no direct access to the paperwork prepared by the Ministry of Justice, we cannot tell where the problem is. But we read in the papers every day how these problems are affecting the public.

How can the warrant of arrest for Cevher Ozden be sent abroad without making sure that it meets "international standards"? How is it possible that someone like Yahya Demirel has still not been extradited? How is it possible that Mehmet Sener, one of the suspects in the Abdi Ipekci murder case, has not been brought back to this country for trial? How is it possible that death-row convict Isa Armagan's file has not been conveyed to the Iranian government in proper time? How is it possible that the formalities on the extradition of Omer Ay [a suspect in the assassination attempt against Pope John Paul II] have not yet been completed? How is it possible that paperwork on the murderers of Professor Bedrettin Comert, Uzeyir Bayrakli and Rifat Yildirim, could not be completed in proper time?

Minister of Justice Cevdet Montes, an experienced legal counsel, must respond to these questions and explain them to the public. The Honorable Minister may think it is improper for him to get involved in such "small matters." But should not other officials in the Ministry give some explanation on the issue to the public?

How can a warrant of arrest be prepared and sent abroad "without taking care of the details"? It is hard for a legal expert to understand this. The Ministry of Justice employs trained bureaucrats who are supposed to deal with this issue. We do not want to even think that these bureaucrats can make such serious mistakes

in such important matters.

However, if in all the cases we have mentioned the extradition orders have been prepared in accordance with "international standards," and the countries involved are simply trying to find excuses not to extradite the suspects, then the Ministry of Justice must present all these cases in detail to the Turkish and the world public.

No matter how you look at it, there is a failure somewhere in the machinery. This machinery is headed by an experienced legal counsel who has also served as the Chairman of the Supreme Court of Appeals. That makes us even unhappier.

How can all these happen?

The Prosecutor General has asked for the arrest of Banker Kastelli's Cevher Ozden. A warrant of arrest is issued whenever "there is strong evidence that someone has committed a crime." This strong evidence is specified in the prosecutor's order of arrest as well as the court's ruling on the issue. This ruling is then sent to the Ministry of Justice, which keeps samples of paperwork necessary for the extradition of criminals from foreign countries. The Ministry then prepares a warrant of arrest in accordance with those samples and sends them to the countries involved.

It is this warrant that has been sent back by the Swiss Department of Justice on grounds that it does not meet international standards. We believe that the Honorable Menten, as an experienced legal counsel, will make an "issue of pride" out of this incident.

We know that some terrorists have committed crimes in this country and have fled abroad. We also know that the Ministry of Justice has prepared extradition files for these terrorists. But what is the problem with these extradition procedures? Why is it not possible to bring back the terrorists captured abroad? What is missing? What is the problem?

Who is responsible for these matters? Is the problem with us or with them or whoever?

We want to know.

9588

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CHANGES IN LAW ON CONSCIENTIOUS OBJECTORS

Brussels LE SOIR in French 2 Jun 82 p 2

[Article by Janine Claeys: "Prospects for Conscientious Objectors: Improved Status and Shortened Alternative Service"]

[Text] Belgian conscientious objectors perform between 15 and 20 months of alternative service, while other young people only do 10 months of military service (8 if they do it in the FRG, 13 if they are officer candidates). This difference between the two forms of service is the greatest in Europe, excluding France where alternative service is twice as long (24 months) as military service (12 months).

But aside from that, Belgium is the country where conscientious objectors are penalized least and treated best. They can, for example, become civil servants, which is not the case everywhere. However, Minister of Interior Charles-Ferdinand Nothomb, responsible for alternative service, seems to have decided to improve the status of conscientious objectors, and he seems willing to review the length of service, but has not promised anything yet on the matter.

The number of requests for conscientious objector status has rapidly increased: it was only 40 in 1965, the year following the enactment of the law recognizing this status; it was 2,317 in 1980, with a clear "advantage" on the Flemish side (1,560), and 2,187 in 1981. Hence, today those who refuse to bear arms represent about 5 percent of the draftees. To be sure, a distinction must be made between those who agree to be inducted into the army but only perform non-combatant service there, very few (109 in 1981), and all the others. We will only talk about the latter here, as the former have a status comparable to that of the soldiers (same length of time, etcetera).

In a memorandum distributed solely to those senators who are members of the Committee of the Interior, Minister Nothomb admitted the possibility of some changes. First of all, he would be in favor of eliminating the assignment of objectors to mobile civil protection columns: "Their integration into the mobile columns is often nil, if not bad, and the rate of absenteeism is sizable and close to 50 percent." This should pose hardly any problems, because the organizations which support the objectors, that is to say the Young People's Alternative Service Confederation, the Alternative Service for Youth [Flemish] and the Peace University, would agree with this abolition.

New Form of Civic Mindedness

On the other hand, the minister's memorandum clearly indicates that the training of the objectors must be increasingly better organized. Training has been in existence since 1976: the Peace University regularly organizes 5 days of "recycling," which the Ministry of Cultural Affairs pays for.

In December 1981, Minister Busquin and the organizations signed an experimental "agreement," whereby these voluntary organizations are given the task of providing a 3 day training period, the financial costs of which would be carried by the Ministry of Interior. It should be noted that Mr Busquin's successor, namely Mr Nothomb, has just signed an identical agreement for two training sessions of the same type, one to be held in June, the other in July. This training focusses on the knowledge of Belgian institutions and insists on the fact that service by objectors represents a new form of civic mindedness. But a clear royal decree, systematizing this training, is still lacking. And yet, it has been ready for a long time as it was prepared by Joseph Michel in 1975.

New Health Care Workers

Mr Nothomb's memorandum also mentions the upgrading of the alternative service, "which implies, for example, better supervision over the presence of objectors at work and over the quality of their performance." Undoubtedly, the fact of transferring (the operation is in progress) the responsibility for conscientious objectors from the service of the general police of the kingdom(!) to that of national affairs can only be beneficial.

But the major thrust of the changes proposed by the minister of interior in his memorandum concerns the length of service: after having stated that a difference must be maintained between alternative service and military service -- which nobody challenges --, after having confirmed that a shorter period of service must be authorized for those who perform a more demanding service (the current difference is 5 months), he expressed himself in favor of changing the borders between those who serve 15 months and those who serve 20 months: thus, service which benefits children who are victims of a social handicap would be reduced to 15 months.

Today, the 15 month service applies to those who work in the health care sector, and the 20 month service to those who work in the socio-cultural sector. In a short while then, young people carrying out their service in specialized homes which take children placed by juvenile judges or by the CPAS [Public Center for Social Aid], will no longer be considered to be "socio-cultural" workers but "health care" workers.

Here again, defenders of the conscientious objectors agree, and Jean Van Lierde, president of the Youth Service, who was jailed for 15 months in 1950 and 1951 for refusing to bear arms, confirmed it. However, he believes that other services should be "privileged," such as the service for immigrants or for the Third World (in Flanders, most of the "Oxfam" stores are run by conscientious objectors), or even that of permanent education. As a matter of fact, isn't it harder ("more courageous," some people will say) than to be employed by the French Cultural Commission or by the Confederation of Youth Organizations?

Belgium, Leader of the EEC?

But... the leaders of the conscientious objectors were hoping that Minister Nothomb would go farther, and that he would soon decide to reduce the length of the alternative service in general. During the talks, the figure of 3 to 5 months (depending on the type of service) more than the military service had been mentioned. But evidently, the minister of interior remains cautious in the matter. But we have heard that he would not be opposed to it. He would also study the possibility of improving the reimbursement of medical costs. On the other hand, Minister of Pensions Pierre Mainil and Minister of Social Affairs Jean-Luc Dehaene have just signed an order for a "compensatory pension," which would be paid in case of accidents occurring during the period of service.

If the government were to decide to reduce the length of the alternative service, it could well be that, during the discussions which have just gotten under way on the matter in the European Parliament and which are still far from over, Belgium will be looked on as a leader in matters of conscientious objection.

8463

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NARROW-BAND SYSTEM TO BE USED IN EXPANDING RADAR COVERAGE

Rome AVIAZIONE in Italian Apr 82 pp 227-228

[Article by Gaetano Sarti: "Radar Coverage Over National Territory Being Expanded"; with English summary as provided separately]

[Text] Summary

The Italian Air Force has made a large commitment of men and materiel to complete the radar coverage of Italian aerospace. At present the ATCAS (Air Traffic Control Automated System) uses only the data originating from the primary and secondary radar sensors located at Fiumicino airport. With the use of a narrow band system, for the first time in Italy, it will also be possible to utilize data originating from other radars already certificated; still other units will join them in 1983 and 1984. Operational functions will be increasingly automated to Category 1 standard. Work to define specifications relative to multiradar tracking functions, filing and processing of flight plans, and the updating of tables and printing of strip charts, is well advanced. Development of the multiradar system has been extremely complex because new operating procedures have had to be elaborated. To extend and complete positive radar control capacity over Italian territory, the Air Force is completing installation of the five new radars (three already in situ, two more being completed) authorized by Law 825 of 1975. - by G. Sarti.

The diligence with which the Italian Air Force is continuing to put in place the programs designed to expand the coverage of Italian aerospace has produced further advances with the recent installation of new primary and secondary radars, the latter installations having been done in large part using Armed Forces personnel.

At present, the ATCAS, which has been in operation since December 1977, uses only the data originating from the primary sensors (Marconi and ATCR 2) and secondary ones located at the Fiumicino airport. In the very near future, with the integration of the narrow-band system that has now been developed (a modern technology

Italy will be using for the first time) into the ATCAS system, it will be possible to use also the data originating from other, already certificated, radars installed at Poggio Lecceta, near Pisa (3-channel ATCR-2T1 and SSI 70) and at Monte Codi in Sardinia (ATCR-2 with type 700 and SSI 70 radars), and subsequently from the radar at Monte Stella, south of Naples (3-channel ATCR-2T1 and SSI-70), now in the process of being certificated. Added successively to these complexes will be the ATCR-33A and SIR-7 scheduled to be completed at Fiumicino within the first half of 1983 and the ATCR-22A and SIR-7 at Ustica, scheduled to become operational by 1984. Insofar as concerns increasing the operational functions to be automated, all the analyses have been completed, as well as the gathering and the processing of the data required for effecting the choices that are indispensable to the drawing up of specifications meeting Category 1 standards.

On 30 September last year, work was completed on drawing up the specifications relative to the multiradar tracking functions, the filing and processing of flight plans, the updating of tables and the printing of strip charts. The software is on the verge of being made available in phase with the integration of the remote sensors. Scheduled for May is a period of training and on-line evaluation of the new functions. The final putting in place of the multiradar system will be extremely complex, not so much from the technical standpoint (development of the software) but above all because current operating procedures will have to be reviewed and new ones developed. Other elements of complexity will be the use of new tables, the automatic filing of flight plans into the system, and the automatic printing of the strip charts. It is calculated that the duration of this phase will not be less than 6-8 months.

Continuing toward its objective of expanding and completing its positive radar control capability over the entire national territory, the Air Force has on the way to completion the implementation of the radar plan, which provides for the installation of five new ERR's [Enroute Radar(s)]--three of which have already been completed (Poggio Lecceta, Monte Codi, Monte Stella) and two are in the process of completion (Monte Orimini and Ustica)--as well as a number of approach radars that will facilitate the development of radar service at all Italian CTR's [Radar Transmitting Center(s)]. With regard to the latter, APP/radar services have already been activated at Naples, Turin, Catania, Cagliari, Genoa, Rimini, Venice and Bologna; the necessary radars have already been installed for Olbia, Bari, Ronchi dei Legionari, Reggio Calabria and Brindisi; and lastly, the radars for Villafranca (Garda CTR), Istrana (Veneto CTR), Pisa and Alghero are in the process of being installed.

The Italian Air Force is thus bringing to its conclusion the implementation of the radar plan, which was finalized in 1976 following the entry into effect of Law 825, passed in 1975 with provisions relative to its funding. Its implementation has been carried out in relatively rapid time, in view of the very considerable difficulties stemming from the complexity of the projects to be actualized, which involved many civilian and military (Armed Forces and interforces) components, and of the particular constraints imposed by governmental procedures (government general accounting).

PHOTO CAPTIONS

1. p 227. Schematic of the ATCAS system after the integration described in the article.
2. p 227. Navigation radar site during the construction phase. The radar to be installed here is a 3-channel ATCR-2T1. It will cover an area exceeding 1 hectare.
3. p 227. ATCR-33A approach radar site at Palermo-Punta Raisi.

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